

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STEPHENS COUNTY GATHERING AND  
PROCESSING COMPANY, an  
Oklahoma general partnership,

Plaintiff,

v.

ACACIA PIPELINE CORPORATION,  
a Texas corporation,

Defendant.

ACACIA NATURAL GAS CORPORATION,  
an Oklahoma corporation,

Intervenor.

Case No. 88-C-173-E

E D

FEB 13 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

JUDGMENT

This case, having come before this Court for a trial of this matter on Plaintiff, Stephens County Gathering and Processing Company's ("Stephens County") Complaint and Defendants, Acacia Pipeline Corporation ("Acacia Pipeline") and Acacia Natural Gas Corporation's ("ANG") Counterclaims, on October 3, 1989, and the Court, having heard closing argument and having entered Findings of Fact and Conclusions of Law on February 6, 1990, it is hereby

ORDERED, ADJUDGED AND DECREED that Judgment be entered in favor of Stephens County on Count I of its Amended Complaint. The Court hereby finds that the March 23, 1986, Contract between the parties was properly cancelled on September 17, 1987, when Stephens County notified Acacia Pipeline of its repudiation of the Contract. In addition, the Court finds against Stephens County on Count III of the Amended Complaint

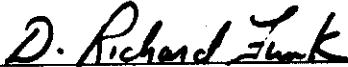
and against Defendants Acacia Pipeline and ANG on all of their respective Counterclaims and that Defendants Acacia Pipeline and ANG take nothing by reason thereof. Count II of Plaintiff's Complaint was plead in the alternative and as a result of this Judgment does not require further Court action.

S/ JAMES O. BARNES

---


UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND CONTENT:



D. Richard Funk, OBA #13070  
Shirley E. Guntharp, OBA #11328  
HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.

ATTORNEYS FOR PLAINTIFF



James W. Swank, Esq.  
AMES, ASHABRANNER, TAYLOR, LAWRENCE,  
LAUDICK & MORGAN

ATTORNEYS FOR DEFENDANTS

0372Z/3209Z

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 15 1990

IDA MAE MEYERS, an individual,

Plaintiff

vs.

ALLSTATE INSURANCE COMPANY, a  
foreign insurance corporation,

Defendant

Case No. 89-C-935-B

Joseph C. Smith, Clerk  
U.S. DISTRICT COURT

ORDER OF DISMISSAL

It appearing to the Court that the above entitled action has been fully settled, adjusted and compromised, and based on the stipulation; therefore,

IT IS ORDERED AND ADJUDGED that the above entitled action be, and is hereby, dismissed, without cost to either party and with prejudice to the plaintiff.

Dated this 15<sup>th</sup> day of Feb., 1990.

S/ THOMAS R. BRETT

Judge of the U.S. District Court

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE FEB 15 1990  
NORTHERN DISTRICT OF OKLAHOMA

IN RE: ASBESTOS LITIGATION

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Master #1417

ASB-TW# 2142

FLORA L. POWELL, individually, and  
as surviving wife of HUBERT C.  
POWELL, deceased,

Plaintiffs,

v.

ANCHOR PACKING COMPANY, et al.,

Defendants.

No. 88-C-555-E

ORDER SUSTAINING MOTION FOR DIRECTED VERDICT

The above case came on for trial to a jury on January 16, 1990. All parties announced ready through their respective counsel of record, and the Court proceeded with the impaneling of a duly qualified jury.

Thereafter, as per a previous order of the Court, the case proceeded with the presentation of the testimony of common witnesses. All parties made opening statements, and the Plaintiff then introduced his evidence. On January 22, 1990, the Plaintiff rested as to all common witnesses.

On January 25, 1990, prior to opening statements and prior to the commencement of the presentation of any evidence in the individual Powell case, the Defendant Milwhite Company, Inc., moved

2142

for a directed verdict premised upon Plaintiff's withdrawal of any additional testimony from Dr. Arthur Rohl. The Court then inquired whether Plaintiff's counsel was in possession of, and intended to offer any additional evidence establishing the liability of Milwhite. Following Plaintiffs inability to represent that any additional evidence against Milwhite would be offered, and after consideration by the Court of the applicable legal authority, and having heard the arguments of counsel, and the representations by Plaintiff's counsel as to the theories of the case, the Court sustained the Motion for Directed Verdict in favor of Milwhite Company, Inc. The Court concluded that the Plaintiff's evidence failed to establish a prima facie case of negligence or manufacturer's product liability as to Milwhite.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion for Directed Verdict of the Defendant Milwhite Company, Inc., at the should be and is hereby sustained, and the Defendant Milwhite Company, Inc. is granted judgment herein with costs assessed against the Plaintiff.

ENTERED THIS 14<sup>TH</sup> day of Feb, 1990.

  
United States District Judge

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE FEB 15 1990  
NORTHERN DISTRICT OF OKLAHOMA

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IN RE: ASBESTOS LITIGATION

)  
) Master #1417  
) ASB-TW# 2141

EVERETT ORVILLE HEMANN, and MARIAN  
M. HEMANN, Plaintiff's Spouse,

Plaintiffs,

v.

ANCHOR PACKING COMPANY, et al.,

Defendants.

) No. 88-C-701-E  
)  
)  
)  
)  
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)  
)

ORDER SUSTAINING MOTION FOR DIRECTED VERDICT

The above case came on for trial to a jury on January 16, 1990. All parties announced ready through their respective counsel of record, and the Court proceeded with the impaneling of a duly qualified jury.

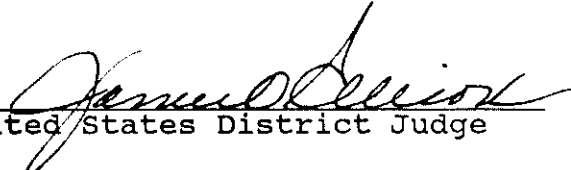
Thereafter, as per a previous order of the Court, the case proceeded with the presentation of the testimony of common witnesses. All parties made opening statements, and the Plaintiff then introduced his evidence. On January 22, 1990, the Plaintiff rested as to all common witnesses.

2141

applicable legal authority, and having heard the arguments of counsel, and the representations by Plaintiff's counsel as to the theories of the case, the Court sustained the Motion for Directed Verdict at the conclusion of the common phase of Plaintiff's evidence in favor of Milwhite Company, Inc. The Court concluded that the Plaintiff's evidence failed to establish a prima facie case of negligence or manufacturer's product liability as to Milwhite.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion for Directed Verdict of the Defendant Milwhite Company, Inc., should be and is hereby sustained, and the Defendant Milwhite Company, Inc. is granted judgment herein with costs assessed against the Plaintiff.

ENTERED THIS 14 day of Feb, 1990.

  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

IN RE: ASBESTOS LITIGATION )

FEB 15 1990

Master #1417

ASB-TW #2148 JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

FLORA L. POWELL, individually, )  
and as surviving wife of )  
HUBERT C. POWELL, deceased, )

Plaintiff, )

vs. )

ANCHOR PACKING COMPANY, et al. )

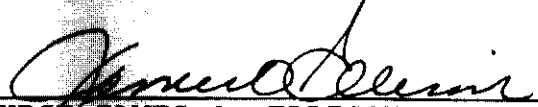
Defendant. )

88-C-701-E

ORDER

NOW on this 14<sup>th</sup> day of February, 1990, comes on for consideration the above styled matter and the Court, being fully advised in all premises, finds that Defendants Owens Corning Fiberglas and Eagle Picher Industries moved, upon conclusion of their cases, for a directed verdict in favor of Defendants. The Court took the motions under advisement. Having now reviewed the authorities made and arguments cited in support thereof, the Court finds that such Motions for Directed Verdict in favor of Defendants must be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motions for Directed Verdict made by Defendants Owens Corning Fiberglas and Eagle Picher Industries during trial should be and are hereby denied.

  
JUDGE JAMES O. ELLISON  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

2140



Closes  
as to  
Jennings  
only

**Defendants.**

90-c-60-c

**FILED**  
**IN OPEN COURT**

FEB 15 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Dated this 15 day of February, 1990.

H. DALE COOK, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

FEB 15 1990 *at*

SKIP OTTO,

Plaintiff,

vs.

RON CHAMPION,

Defendant.


Jack C. Silver, Clerk  
U.S. DISTRICT COURT

No. 88-C-587-E ✓

**ORDER**

Skip L. Otto has made application to proceed in forma pauperis. The Court earlier denied Petitioner a certificate of probable cause to appeal because the Court found no substantial federal question presented. In light of this the Court denies Mr. Otto's application to proceed in forma pauperis.

ORDERED this 15<sup>TH</sup> day of February, 1990.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODGER SOLT; SHIRLEY SOLT;  
COUNTY TREASURER, Tulsa County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Tulsa County,  
Oklahoma,

Defendants.

**F I L E D**

**FEB 15 1990**

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 89-C-1016-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 14<sup>th</sup> day of February, 1990. The Plaintiff appears by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney; the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, appear by J. Dennis Semler, Assistant District Attorney, Tulsa County, Oklahoma; and the Defendants, Rodger Solt and Shirley Solt, appear not, but make default.

The Court being fully advised and having examined the file herein finds that the Defendant, Rodger Solt, acknowledged receipt of Summons and Complaint on or about December 27, 1989; the Defendant, Shirley Solt, acknowledged receipt of Summons and Complaint on December 27, 1989; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 11, 1989; and that Defendant, Board of

County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 12, 1989.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on December 26, 1989; and that the Defendants, Rodger Solt and Shirley Solt, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Seven (7), Block One (1), DELAWARE GARDENS, An Addition in Tulsa County, Oklahoma, according to the recorded plat thereof.

The Court further finds that on July 7, 1986, the Defendants, Rodger Solt and Shirley Solt, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$37,500.00, payable in monthly installments, with interest thereon at the rate of ten percent (10%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Rodger Solt and Shirley Solt, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage

dated July 7, 1986, covering the above-described property. Said mortgage was recorded on July 7, 1986, in Book 4953, Page 1360, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Rodger Solt and Shirley Solt, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Rodger Solt and Shirley Solt, are indebted to the Plaintiff in the principal sum of \$37,380.92, plus interest at the rate of 10 percent per annum from March 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$213.00, plus penalties and interest, for the year 1989. Said lien is superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$4.00 which became a lien on the property as of 1989. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Rodger Solt and Shirley Solt, in the principal sum of \$37,380.92, plus interest at the rate of 10 percent per annum from March 1, 1988 until judgment, plus interest thereafter at the current legal rate of 7.97 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$213.00, plus penalties and interest, for ad valorem taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$4.00 for personal property taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, has no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Rodger Solt and Shirley Solt, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the

Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$213.00, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

In payment of the judgment rendered herein in favor of the Plaintiff;

Fourth:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$4.00, personal property taxes which are currently due and owing.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants

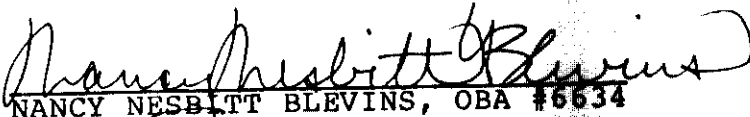
and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

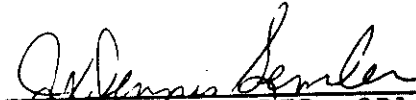
S/ JAMES C. SEMLER

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
NANCY NESBITT BLEVINS, OBA #6634  
Assistant United States Attorney

  
J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-1016-E



JHP/kgH

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

GAY ANN YOUNG,

Plaintiff,

vs.

SHELTER LIFE INSURANCE  
COMPANY, a foreign insurance  
corporation,

Defendant.

**FILED**

**FEB 15 1990**

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

No. 89-C-1036 E

**ORDER**

Now on this 14 day of February, 1990, the above matter came on before me, the undersigned Judge of the United States District Court, pursuant to plaintiff and defendant's Stipulation for Dismissal. Upon review of the court file and upon information that the case has been settled between the parties, the matter is hereby dismissed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the above-styled case be and is hereby dismissed.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the foregoing was deposited in the U. S. Mail, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, with proper postage thereon fully prepaid, on this 7th day of February, 1990, addressed to:

Tom C. Lane  
Attorney at Law  
P. O. Box 1404  
Sapulpa, Oklahoma 74067-1404

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

WENDELL W. GRISWOLD,

Plaintiff,

v.

OTIS R. BOWEN, M.D., Secretary  
of Health and Human Services,

Defendant.

89-C-120-B

FILED

FEB 15 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER


The Court has for consideration the Report and Recommendation of the United States Magistrate filed January 23, 1990 in which the Magistrate recommended that the Motion to Dismiss be granted.

No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that the Defendant's Motion to Dismiss be granted.

Dated this 15<sup>th</sup> day of Feb., 1990.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

CATHY MOORE,

Plaintiff,

vs.

STANLEY GLANZ, Tulsa County Sheriff;  
JOHNNY EDGE; BOARD OF TULSA  
COUNTY COMMISSIONERS; and THE  
CITY OF TULSA,

Defendants.

Case No. 89-C-902 E

**F I L E D**

**FEB 15 1990**

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

**JOURNAL ENTRY ON CONFESSION OF JUDGMENT**

This cause comes on for hearing on this 14<sup>th</sup> day of February, 1990. The Plaintiff, Cathy Moore, appearing through counsel, Charles Whitman. The Defendants, Stanley Glanz, Tulsa County Sheriff; Board of County Commissioners of Tulsa County; and the City of Tulsa, appearing through M. Denise Graham, Assistant District Attorney. The Court finds that these parties have entered the following stipulations:

1. On January 29, 1990, the Board of County Commissioners of Tulsa County, Oklahoma, approved the recommendation of the District Attorney of Tulsa County, Oklahoma, to confess judgment in the case herein in the amount of Five Thousand Dollars (\$5,000.00) under two conditions:
  - a. The Defendants are in no way admitting any liability or fault on the part of Defendants Stanley Glanz, Tulsa County Sheriff, Board of County Commissioners of Tulsa County and/or the City of Tulsa; and

- b. That any settlement of this case will result in a full release of any and all, past, present, or future claims against Defendants Stanley Glanz, Tulsa County Sheriff, Board of County Commissioners of Tulsa County and the City of Tulsa, that Plaintiff Cathy Moore may have as a result of the incident alleged to have occurred herein.

2. Plaintiff is fully aware of the conditions upon which this confession of judgment is made and hereby fully accepts said conditions.

The Court accepts these stipulations and based upon said stipulations finds that the Plaintiff is entitled to recover the sum of Five Thousand Dollars (\$5,000.00) against the Defendant Board of County Commissioners of Tulsa County.

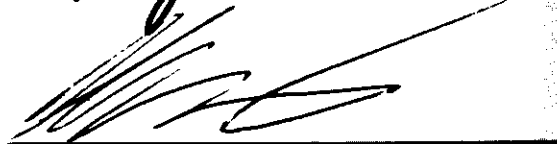
**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Plaintiff recover judgment against the Defendant Board of County Commissioners of Tulsa County, Oklahoma, in the sum of Five Thousand Dollars (\$5,000.00), with interest from the date hereof at ten percent (10%) per annum.

S/ JAMES C. THORON

**UNITED STATES DISTRICT JUDGE**

APPROVED:

  
Cathy Moore, Plaintiff

  
Chuck Whitman, Attorney for Plaintiff

**THE BOARD OF COUNTY COMMISSIONERS  
OF TULSA COUNTY, OKLAHOMA**

By: M. Denise Graham  
**M. DENISE GRAHAM**  
Assistant District Attorney  
Attorney for Defendants Stanley Glanz,  
Tulsa County Sheriff, the Board of County  
Commissioners of Tulsa County and the  
City of Tulsa

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BOHEMOND IMAGES, INC.,  
a Connecticut corporation,

Plaintiff,

v.

ARKLA, INC., formerly known  
as Arkansas Louisiana Gas  
Company, a Delaware  
corporation,

Defendant.

Case No. 89-C-465-C

**FILED**  
**IN OPEN COURT**

FEB 15 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER DISMISSING WITH PREJUDICE ALL CLAIMS  
BETWEEN BOHEMOND IMAGES, INC. AND ARKLA, INC.

The Court has before it for consideration the Joint Motion of Plaintiff, Bohemond Images, Inc. and the Defendant, Arkla, Inc., formerly known as Arkansas Louisiana Gas Company, for an order dismissing with prejudice all claims and causes of action asserted by and between those parties in this case.

FINDING that good cause exists for the granting of that Motion, it is hereby ORDERED that all claims and causes of action

asserted by and between Bohemond Images, Inc. and Arkla, Inc., formerly known as Arkansas Louisiana Gas Company, in this case are hereby dismissed with prejudice, with each of those parties to bear its own costs and attorney fees incurred herein.

IT IS SO ORDERED this 15<sup>th</sup> day of February, 1990.

*W. A. L. Cook*  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

FEB 15 1990

CCI CORPORATION, a Delaware  
Corporation,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 89-C-673-B

U.S. DISTRICT COURT


ORDER

Plaintiff CCI Corporation, having conceded at the Status Conference held in this matter on January 10, 1990, that Defendant's Motion for Partial Summary Judgment was well-founded, it is ORDERED that the Motion for Partial Summary Judgment is hereby GRANTED.

S/ THOMAS R. BRETT


UNITED STATES DISTRICT JUDGE

Submitted by:

  
 HAROLD M. SKLAR  
 Trial Attorney  
 Office of Special Litigation  
 Tax Division  
 Department of Justice  
 P.O. Box 7238  
 Washington, D.C. 20044

Attorney for Defendant  
 United States of America

Acquiesced  
 in by:

  
 MARK S. RAINS  
 Rosenstein, Fist & Ringold  
 525 South Main  
 Tulsa, Oklahoma 74107

Attorney for Plaintiff  
 CCI Corporation



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 14 1990

WILLIAM G. SHIVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARCHIE E. VOSBERG, JR.;  
LESYLE ANN VOSBERG; COUNTY  
TREASURER, Tulsa County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Tulsa County,  
Oklahoma,

Defendants.

CIVIL ACTION NO. 90-C-0077-E

NOTICE OF DISMISSAL

Plaintiff, the United States of America, by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Phil Pinnell, Assistant United States Attorney, hereby gives notice that the above-styled action is hereby dismissed without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. When the subject case was filed, the Plaintiff was unaware that the Defendants, Archie E. Vosberg, Jr. and Lesyle Ann Vosberg, had filed bankruptcy in the United States Bankruptcy Court for the Northern District of Oklahoma, Case No. 89-03315-C, on November 1, 1989.

Respectfully submitted,

TONY M. GRAHAM  
United States Attorney

*Phil Pinnell*  
PHIL PINNELL, OBA #7169  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

CERTIFICATE OF MAILING

This is to certify that on the 14th day of February, 1990, a true and correct copy of the foregoing was mailed, postage prepaid thereon, to:

Archie E. Vosberg, Jr.  
Lesyle Ann Vosberg  
3320 South 93rd East Avenue  
Tulsa, OK 74145

County Treasurer  
Tulsa County Courthouse  
Tulsa, OK 74103

Board of County Commissioners  
Tulsa County Courthouse  
Tulsa, OK 74103

Joe M. Bohannon, Esq.  
1512 South Denver  
Tulsa, OK 74119

  
Assistant United States Attorney

CSS

FILED

FEB 14 1990

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

INLAND MORTGAGE CORPORATION )

Plaintiff, )

vs. )

Case No. 89-C-036-E

CENTRAL MORTGAGE CORPORATION )

Defendant. )

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Inland Mortgage Corporation by and through its attorneys Marsh, Shacklett & Fears by Joe M. Fears, and Defendant Central Mortgage Corporation, by and through its attorneys Doerner, Stuart, Saunders, Daniel & Anderson by Lewis N. Carter hereby jointly stipulate that this action, and all claims asserted herein by the Plaintiff and all counterclaims asserted herein by the Defendant should be and are hereby dismissed with prejudice, each party to pay its own costs.

MARSH, SHACKLETT & FEARS

By

  
Joe M. Fears (OBA #2850)

606 ONEOK Plaza

100 West fifth


Tulsa, Oklahoma 74103

(918) 587-0141

Attorneys for Inland Mortgage  
Corporation

DOERNER, STUART, SAUNDERS, DANIEL  
& ANDERSON

By



Lewis N. Carter (OBA #1524)

1000 Atlas Life Building

Tulsa, Oklahoma 74103

(918) 582-1211

Attorneys for Central Mortgage  
Corporation

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 12 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

KAISER-FRANCIS OIL COMPANY, )

Plaintiff, )

v. )

Case No. 89-C-246-B

ENSERCH CORPORATION, d/b/a )

LONE STAR GAS COMPANY, )

Defendant. )

ORDER OF DISMISSAL

The Plaintiff, Kaiser-Francis Oil Company, and the Defendant, Enserch Corporation, d/b/a Lone Star Gas Company, having stipulated to the dismissal of the Complaint of the Plaintiff, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Complaint of the Plaintiff, Kaiser-Francis, be and the same is hereby dismissed with prejudice.

2. That each party shall bear its own respective costs.

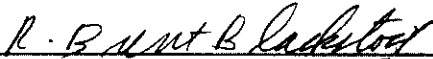
DATED this 14<sup>th</sup> day of Feb, 1990.


S/ THOMAS R. BRETT


JUDGE OF THE DISTRICT COURT

Kaiser-Francis Oil Company v. Enserch Corporation  
USDC Northern District of OK - Case No. 89-C-246-B  
ORDER OF DISMISSAL - Signature Page

APPROVED AS TO FORM AND CONTENT:

  
R. BRENT BLACKSTOCK, OBA#839  
BLACKSTOCK & BLACKSTOCK  
5310 E. 31st St., Suite 520  
Tulsa, OK 74135  
(918) 622-3661  
ATTORNEY FOR PLAINTIFF

  
RANDALL C. GRASSO  
State Bar No. 08306100  
300 South St. Paul  
Suite 840-ENSERCH Center  
Dallas, TX 75201  
(214) 670-2980

  
S. PAUL HAMMONS  
500 W. Main  
Oklahoma City, OK 73102  
(405) 272-9241  
ATTORNEYS FOR DEFENDANT

WP109/KFLSTAR.ORD

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 14 1990

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

In Re:

HOME-STAKE PRODUCTION COMPANY  
SECURITIES LITIGATION

M.D.L. 153

IVAN A. ANIXTER, et al.,

Plaintiffs,

vs.

HOME-STAKE PRODUCTION COMPANY,  
et al.,

Defendants.

73-C-382

73-C-377 CONSOLIDATED

FINAL JUDGMENTS DISMISSING DEFENDANTS  
DONALD C. LARRABEE, MARVIN R. BARNETT,  
DRYFOOS & COMPANY, AND JOHN T. LENOIR

In accordance with the jury's verdict of September 2, 1988, judgment is hereby entered in favor of defendant Donald C. Larrabee. All claims against defendant Larrabee in the above-captioned consolidated class actions are hereby dismissed in their entirety with prejudice to the plaintiffs and all other members of the classes who have not been excluded from the classes or who did not opt out of the classes.

In accordance with this Court's Settlement Approval Order dated January 26, 1990, judgment is hereby entered dismissing in their entirety, with prejudice and without costs, all claims

against defendant Marvin R. Barnett asserted in the above-captioned consolidated class actions by plaintiffs and all other members of the classes who have not been excluded from the classes or who did not opt out of the classes.

In accordance with the Notice of Hearing dated December 8, 1989 and plaintiffs' oral motion at the hearing on January 26, 1990, judgment is hereby entered dismissing, without prejudice and without costs, all claims asserted against defendants Dryfoos & Company and John T. Lenoir in the above-captioned consolidated class actions by plaintiffs and all other members of the classes who have not been excluded from the classes or who have not opted out of the classes.

Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, this Court expressly determines that there is no just reason for delay in the entry of these final judgments and the Clerk is expressly directed to enter judgment forthwith as set forth herein.

Dated: 2-13-90



---

UNITED STATES DISTRICT JUDGE

Judgment entered:

---

CLERK OF THE COURT



IN THE UNITED STATES DISTRICT COURT **FILED**  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 14 1990

FEDERAL DEPOSIT INSURANCE CORPORATION,  
as Receiver for FIRST NATIONAL BANK &  
TRUST COMPANY, CUSHING, OKLAHOMA,

Plaintiff,

v.

ASBESTOS DISPOSAL SERVICES, INC., an  
Oklahoma corporation; REX RUDY, a/k/a  
REX R. RUDY, an individual; REX RUDY,  
d/b/a ASBESTOS DISPOSAL SERVICE;  
REX RUDY II, an individual; BONNIE  
RUDY, a/k/a BONNIE L. RUDY, an  
individual; FEDERAL NATIONAL MORTGAGE  
ASSOCIATION; AMERICAN FLORAL SERVICES,  
INC.; FOUNDERS BANK & TRUST COMPANY;  
UNITED STATES OF AMERICA, DEPARTMENT  
OF THE TREASURY, INTERNAL REVENUE  
DIVISION; STATE OF OKLAHOMA, OKLAHOMA  
TAX COMMISSION,

Defendants.

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

Case No. 90-C0039 B

JOINT STIPULATION OF DISMISSAL AS TO  
FEDERAL DEPOSIT INSURANCE CORPORATION'S  
FOURTH CAUSE OF ACTION  
REQUESTING REPLEVIN OF DEFENDANT, REX RUDYS' 1987 FORD

COMES NOW the Plaintiff, Federal Deposit Insurance Corporation, as Receiver for First National Bank & Trust Company, Cushing, Oklahoma ("FDIC"), by and through its attorneys of record, Edwards, Sonders & Propester, and dismisses without prejudice its Fourth Cause of Action as asserted in its Complaint filed January 22, 1990, in the United States District Court for the Northern District of Oklahoma, Case No. 90-C0039-B. The Dismissal of FDIC's

Fourth Cause of Action is not intended to in any way effect the remaining causes of action asserted in its January 22, 1990 Complaint.

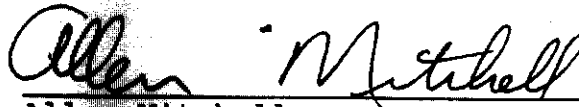
The Defendant, Rex Rudy d/b/a Asbestos Disposal Service, appears by and through his attorney of record, Allen Mitchell, and stipulates his approval of the Dismissal of only the Fourth Cause of Action asserted in FDIC's January 22, 1990 Complaint. It is stated and agreed that the filing of this Dismissal of FDIC's Fourth Cause of Action does not effect the remaining allegations and causes of actions contained in FDIC's January 22, 1990 Complaint.

Respectfully submitted,



Donald P. Fischbach  
Of the Firm:  
Edwards, Sonders & Propester  
Suite 2900, First Oklahoma Tower  
210 West Park Avenue  
Oklahoma City, OK 73102-5605  
Telephone: (405) 239-2121

ATTORNEYS FOR FEDERAL DEPOSIT INSURANCE  
CORPORATION, AS RECEIVER FOR FIRST  
NATIONAL BANK & TRUST COMPANY, CUSHING,  
OKLAHOMA



Allen Mitchell  
P.O. Box 190  
Sapulpa, Oklahoma 74067  
(918) 224-5750

ATTORNEY FOR DEFENDANT, REX RUDY  
d/b/a ASBESTOS DISPOSAL SERVICE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

TAHMASEBI, RENE MERI, a minor )  
deceased, et al. )

Plaintiffs, )

v. )

JANE PHILLIPS EPISCOPAL )  
HOSPITAL, INC., et al )

Defendants. )

FEB 13 1990

John C. Saver, Clerk  
U.S. DISTRICT COURT

88-C-1447-C

REPORT AND RECOMMENDATION AND ORDER  
OF U. S. MAGISTRATE

Now before the Magistrate are Plaintiffs' Motion in Limine (#67)<sup>1</sup> the Motion in Limine of defendants, Dr. Terry E. Burge and Dr. T. L. Johannesen (#80), and Defendant, Dr. McFarland's, Application to Add a Rebuttal Witness and Subpoena to Search the Records (#83). A pretrial conference was held on February 9, 1990 and a hearing was conducted at that pretrial conference. Having reviewed the oral arguments made at the hearing, the pleadings, and the applicable law, the Magistrate finds as follows.

As to plaintiffs' Motion in Limine, the plaintiffs have stated that the first item in their motion is moot. As to the second and third items concerning records and testimony of events occurring in the past showing marital discord between plaintiffs, the Magistrate finds that the relationship of the parents is relevant

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<sup>1</sup> "Docket numbers" refer to numerical designations assigned sequentially to each pleading, motion, order, or other filing and are included for purposes of record keeping only. "Docket numbers" have no independent legal significance and are to be used in conjunction with the docket sheet prepared and maintained by the United States Court Clerk, Northern District of Oklahoma.

only if a loss of consortium claim is present in this lawsuit. Since plaintiffs' attorney has represented to the court that no such claim exists, no irrelevant evidence concerning the marital relationship should be allowed at trial. Plaintiffs' Motion in Limine should be granted to the extent that before any evidence on the state of plaintiffs' marriage or their relationship with their children is presented at trial, a bench conference should be sought by the parties. As to the fourth item, discovery in this case should be extended to allow Cheryl Reid to be listed as a witness.

Defendant, Dr. McFarland's, Application to Add Rebuttal Witness and Subpoena to Search the Records should be granted to allow Cheryl Reid to be listed on defendants' witness list as a rebuttal witness if Mr. Tahmasebi testifies concerning his relationship with his children.

The Motion in Limine of defendant, Dr. Terry Burge and Dr. T.L. Johannesen, should be granted in part and denied in part. Information that attorney Joseph F. Glass, counsel for the defendant McFarland, previously represented Dr. Terry Burge and Dr. T.L. Johannesen in this lawsuit is irrelevant, so the Motion in Limine should be granted as to this matter. Information that defendants' expert witness, Robert Capehart, M.D., has previously been a litigant in medical negligence lawsuits and was previously represented in litigation by attorney Joseph F. Glass and/or his prior law firm pertains to the issues of bias and credibility of

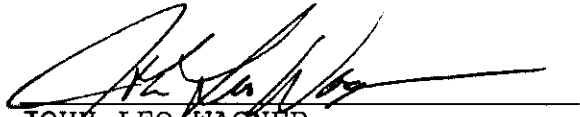
defendants' expert and is therefore relevant and the Motion in Limine should be denied as to these matters.

**ORDER**

A revised pretrial order is to be filed by the parties by February 14, 1990. The revised order is to set out specifically that plaintiffs have no claim for loss of consortium and have abandoned any claim for punitive damages.

The parties have stipulated that Corometrics Medical Systems, Inc., is dismissed from this case without prejudice.

Dated this 12<sup>th</sup> day of February, 1990.

  
JOHN LEO WAGNER  
UNITED STATES MAGISTRATE

IN THE UNITED STATES COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 18 1990

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THIRTY-TWO THOUSAND THREE HUNDRED  
THIRTY-FOUR DOLLARS (\$32,344.00)  
IN UNITED STATES CURRENCY;  
ONE 1985 FORD BRONCO,  
VIN#1FMDU15H9FLA20308,  
and ONE 1986 LINCOLN 4-DOOR,  
VIN#1LNBP96F9GY644883,

Defendant.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Case No. 89-C-713-B

ORDER

NOW ON this 13<sup>th</sup> day of Feb., 1990,  
this matter comes on Defendant/Claimant's Motion To Dismiss  
with Prejudice to its being refiled and the Court having  
reviewed the files and having been fully advised in the  
premises finds that said Motion is well taken and is hereby  
dismissed with prejudice to its being refiled.

IT IS SO ORDERED.

S/ THOMAS R. BRETT  
Judge Brett  
U.S. District Judge for the  
Northern District of Oklahoma

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FEB 13 1990**

LEE VERNON,

Plaintiff,

vs.

No. 89-C-216-E

KFC CORPORATION, a Delaware  
corporation; and KFC  
MANAGEMENT COMPANY, a  
foreign corporation,

Defendants.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

**ORDER OF DISMISSAL WITH PREJUDICE**

This matter comes before the Court on the Joint Stipulation of Dismissal Without Prejudice of the parties. The parties represent to the Court that they have entered into an agreement for an order of dismissal in this matter with no finding of liability on the part of Defendants.

IT IS THEREFORE ORDERED that this matter is dismissed with prejudice with no finding of employment discrimination on the part of Defendants. Each party shall bear its own attorney fees and costs.

S/ JAMES O. ELLISON

---

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 13 1990

DEVER, CLERK  
U.S. DISTRICT COURT

MELLISSA R. WENDELL,

Plaintiff,

v.

DIAMOND ELECTRIC COMPANY,

Defendant.

87-C-423-C

ORDER

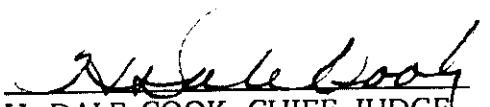
The Court has for consideration the Report and Recommendation of the United States Magistrate filed January 24, 1990 in which the Magistrate recommended that the action be dismissed for failure of the **Plaintiff** to appear, and, for Plaintiff's failure to prosecute.

No exceptions or objections **have been** filed and the time for filing such exceptions or objections has expired.

After careful consideration of **the record** and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate should be and hereby is adopted and affirmed.

It is, therefore, Ordered that **the action** is dismissed for failure of the Plaintiff to appear, and for Plaintiff's failure to prosecute.

Dated this 13<sup>th</sup> day of February, 1990.

  
H. DALE COOK, CHIEF JUDGE  
UNITED STATES DISTRICT COURT



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 10 1990

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 89-C-808-B

ONE 1989 MERCEDES BENZ

560 SEC-73,

VIN WDBCA45EXKA446674;

Defendant.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

JUDGMENT OF FORFEITURE

This cause having come before this Court upon Plaintiff's Application filed herein, and being otherwise fully apprised in the premises, it is hereby

ORDERED, ADJUDGED, AND DECREED that Judgment be entered against the following-described defendant property,

ONE 1989 MERCEDES BENZ

560 SEC-73,

VIN WDBCA45EXKA446674,

and against all persons interested in such defendant property and that the said defendant property be, and the same is hereby forfeited to the United States of America for disposition by the United States Marshal according to law.

S/ THOMAS R. BRETT

THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE


APPROVED:

THE NORTHERN DISTRICT OF OKLAHOMA

APPROVED:

UNITED STATES OF AMERICA

TONY M. GRAHAM  
United States Attorney

  
CATHERINE J. DEPEW  
Assistant United States Attorney

CJD/ch  
00455

WFS/tmm

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT, STATE OF OKLAHOMA

AETNA CASUALTY & SURETY COMPANY,  
a Connecticut corporation,

Plaintiff,

vs.

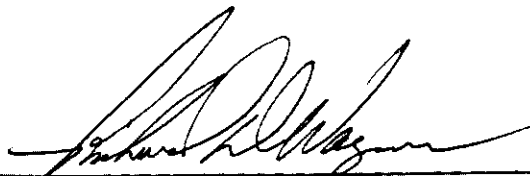
NATIONAL STEEL ERECTORS  
CORPORATION, an Oklahoma  
corporation; ENGINEERING  
DESIGN SERVICES, INC., an  
Oklahoma corporation; and  
TOWER INSPECTION, INC.,  
an Oklahoma corporation,

Defendants.

Case No. 89 C 913 B

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, Aetna Casualty & Surety Company, a Connecticut corporation, and the defendants, National Steel Erectors Corporation and Tower Inspection, Inc., hereby stipulate to the dismissal without prejudice of this action against the defendant Tower Inspection, Inc., only, all pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Federal Procedure.



RICHARD DAN WAGNER, OBA #009269  
P. O. Box 1560  
Tulsa, Oklahoma 74101-1560  
(918) 584-6457

-and-

MARK GREEN  
P. O. Box 2362  
Muskogee, Oklahoma 74402-2362  
(918) 683-0309

ATTORNEYS FOR NATIONAL STEEL  
ERECTORS CORP. and TOWER  
INSPECTION, INC.

FILED  
FEB 12 1990  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

SECRET & HILL

By: 

JAMES K. SECREST, OBA #8049  
WILLIAM F. SMITH, OBA #8420  
7134 South Yale, Suite 900  
Tulsa, Oklahoma 74136  
Telephone: (918) 494-5905

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 12 1990

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

GEORGE P. CORNWELL, JR.,

Plaintiff,

vs.


Case No. 89-C-237-E

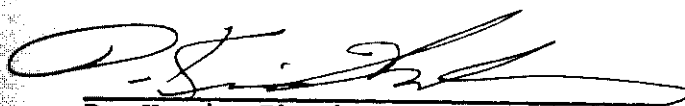
WANG LABORATORIES, INC.,  
WANG LABORATORIES, INC., MEDICAL  
BENEFIT PLAN, AND WANG  
LABORATORIES, INC. DENTAL BENEFIT  
PLAN,

Defendants.

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1), the parties enter a stipulation of dismissal with prejudice of the above styled case. Costs and attorney fees will be borne by the parties pursuant to their Settlement Agreement.

  
Michael J. Sacchitella  
In-House Counsel for  
WANG LABORATORIES, INC.,  
WANG LABORATORIES, INC.  
MEDICAL BENEFIT PLAN,  
AND WANG LABORATORIES, INC.  
DENTAL BENEFIT PLAN  
One Industrial Avenue  
Lowell, Massachusetts 01851  
(508) 967-4755

  
D. Kevin Ikenberry, OBA #10354  
McCORMICK, ANDREW & CLARK  
A Professional Corporation  
Attorneys for Plaintiff  
GEORGE P. CORNWELL, JR.  
Suite 100, Tulsa Union Depot  
111 East First Street  
Tulsa, Oklahoma 74103  
(918) 583-1111

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED  
FEB 12 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

BIZJET INTERNATIONAL SALES &  
SUPPORT, INC., an Oklahoma  
corporation,

Plaintiff,

vs.

Case No. 89-C-885-C

MULTISTATE SERVICES, INC., an  
Oregon corporation; KEITH SMITH,  
a/k/a H. KEITH SMITH; REYNA  
FINANCIAL CORPORATION, an Ohio  
corporation; JET AVIATION  
ASSOCIATES, LTD.; THE FARMERS &  
MERCHANTS NATIONAL BANK, a  
national banking corporation;  
and SOUTHCOAST BANK CORP., a  
Florida corporation,

Defendants.

STIPULATION FOR DISMISSAL

Plaintiff, Bizjet International Sales & Support, Inc., and  
defendant, Reyna Financial Corporation ("Reyna"), by and through  
their respective counsel of record, hereby stipulate and agree as  
follows:


1. Pursuant to Fed.R.Civ.P. 41(a)(1), this Court may enter  
an order, without further notice to the parties, dismissing  
plaintiff's Complaint, together with any claims and causes of  
action therein contained, as against defendant Reyna.

2. This agreement is made by plaintiff and defendant Reyna  
solely for the purpose of compromising and settling the claims  
and causes of action involved in this action, without the expense  
and inconvenience of trial.


3. It is expressly understood and agreed, as a condition hereof, that neither the stipulation, nor the order of dismissal to be entered thereon, shall constitute or be construed as an admission or estoppel against plaintiff or defendant Reyna, or as evidencing or indicating to any extent an admission of the truth or correctness of the allegations in plaintiff's Complaint, or defendant's answer thereto, in whole or in part.

4. Plaintiff and defendant Reyna shall each bear their respective costs of this action, including attorneys' fees.

Respectfully submitted,

  
Terry M. Thomas, OBA #8951  
R. Jay Chandler, OBA #1603  
Wesley G. Casey, OBA #12602  
NORMAN & WOHLGEMUTH  
2900 Mid-Continent Tower  
Tulsa, Oklahoma 74103  
(918) 583-7571

Attorneys for Plaintiff,  
Bizjet International Sales  
& Support, Inc.

  
Jeffrey B. Lathe  
Ackerman, Bakst & Lauer, P.A.  
Northbridge Center, 15th Floor  
515 North Flagler Drive  
Post Office Drawer 3948  
West Palm Beach, Florida 33402-3948

Attorney for Defendant,  
Reyna Financial Corporation

CERTIFICATE OF MAILING

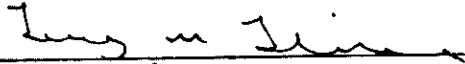
I hereby certify that on this 12<sup>th</sup> day of <sup>February</sup>~~January~~, 1990, I mailed true and correct copies of the above and foregoing instrument to:

Timothy E. McCormick, Esq.  
1516 South Boston, Suite 205  
Tulsa, Oklahoma 74119

Daniel A. Hershman, Esq.  
BOOSE CASEY CIKLIN LUBITZ  
MARTENS MCBANE & O'CONNELL  
Northbridge Tower, 19th Floor  
Post Office Drawer 024626  
West Palm Beach, Florida 33402

Jeffrey B. Lathe, Esq.  
ACKERMAN, BAKST & LAUER, P.A.  
Northbridge Centre - 15th Floor  
515 North Flagler Drive  
Post Office Drawer 3948  
West Palm Beach, Florida 33402-3948

by depositing said copies in the U.S. Mail, proper postage thereon prepaid.

  
\_\_\_\_\_  
Terry M. Thomas



JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

89-C-709-E

FEB -9 1990

DOCKET NO. 823

PATRICIA D. HOWARD  
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE FIDATA TRUST COMPANY NEW YORK COLLECTION LITIGATION

TRANSFER ORDER\*

This litigation consists of the fourteen actions listed on the attached Schedule A and pending in thirteen districts as follows:

Eastern District of Michigan	2 actions
Middle District of Alabama	1 action
Eastern District of Arkansas	1 action
Central District of California	1 action
District of Hawaii	1 action
Northern District of Illinois	1 action
Western District of Louisiana	1 action
District of Minnesota	1 action
Northern District of Ohio	1 action
Northern District of Oklahoma	1 action
Western District of Pennsylvania	1 action
Eastern District of Texas	1 action
Western District of Texas	1 action

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

FEB 12 1990

FILED

Before the Panel is a motion brought pursuant to 28 U.S.C. § 1407 by Fidata Trust Company New York (Fidata), the plaintiff in each action, seeking transfer of the actions to the Southern District of New York for coordinated or consolidated pretrial proceedings. The defendants in thirteen of the fourteen actions oppose transfer.

On the basis of the papers filed and the hearing held, the Panel finds that transfer of all actions to the Western District of Washington will best serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Each action, brought against a different defendant, involves a claim for repayment of the defendant's share of two certificates of deposit totaling \$1.5 million for which Fidata's predecessor in interest served as depository. In particular, Fidata alleges that 1) it erroneously repaid each defendant \$100,000 in principal plus accrued interest, and 11) four years later, when Fidata discovered that its predecessor had not been paid by the issuer of the certificates of deposit, the defendant refused to return the money. All actions thus share common questions concerning the purchase of the certificates of deposit, the circumstances surrounding the repayment to defendants, and the events leading to Fidata's discovery of its inadvertent repayment. Centralization under Section 1407 is desirable in order to avoid duplication of discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

\* Judge Robert H. Schnacke took no part in the decision of this matter.

Various opponents to transfer have argued that these actions will focus on unique matters, that voluntary cooperation is a suitable alternative to transfer, or that transfer will be economically burdensome. We find these arguments unpersuasive. We point out that transfer under Section 1407 has the salutary effect of placing all actions in this docket before a single judge who can formulate a pretrial program that: 1) allows discovery with respect to any non-common issues to proceed concurrently with discovery on common issues, In re Joseph F. Smith Patent Litigation, 407 F.Supp. 1403, 1404 (J.P.M.L. 1976); and 2) ensures that pretrial proceedings will be conducted in a manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties. It may be, on further refinement of the issues and close scrutiny by the transferee judge, that some actions can be remanded in advance of the other actions in the transferee district. But we are unwilling, on the basis of the record before us, to make such a determination at this time. Should the transferee judge deem remand appropriate, procedures are available whereby this may be accomplished with a minimum of delay. See Rule 14, R.P.J.P.M.L., 120 F.R.D. 251, 259-61 (1988). Finally, we note that since Section 1407 transfer is for pretrial proceedings only, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise. See, e.g., Fed.R.Civ.P. 45(d)(2). Furthermore, the judicious use of liaison counsel, lead counsel and steering committees will eliminate the need for most counsel ever to travel to the transferee district. See Manual for Complex Litigation, Second, §20.22 (1985). And it is most logical to assume that prudent counsel will combine their forces and apportion their workload in order to streamline the efforts of the parties and witnesses, their counsel and the judiciary, thereby effectuating an overall savings of cost and a minimum of inconvenience to all concerned. See In re Nissan Motor Corporation Antitrust Litigation, 385 F.Supp. 1253, 1255 (J.P.M.L. 1974).

In urging the Panel to designate the Southern District of New York as transferee forum for this litigation, even though no constituent action is pending there, Fidata argues convincingly that none of the districts in which MDL-823 actions are pending serves as a nexus for this litigation. While some records and witnesses are likely to be found in the New York area because that is where Fidata's predecessor in interest and the now-defunct entity that brokered the participations in the certificates of deposit were located, we are not persuaded that it is the most appropriate transferee forum. We choose the Western District of Washington as transferee forum because of the pendency there since December, 1988, of Fidata Trust Company New York, et al. v. Community First Federal Savings & Loan, et al., C.A. No. C88-633TB. That action (overlooked by Fidata in its present Section 1407 motion) is brought by Fidata against the issuer of the MDL-823 certificates of deposit, seeks recovery of the very monies sought in the MDL-823 actions, and involves many of the same issues and allegations as those in the MDL-823 actions. Transfer to that

district will thus allow the MDL-823 parties to take advantage of already completed discovery and to benefit from the familiarity that the Washington court has already developed with the issues in this docket.<sup>1/</sup>

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §1407, the actions listed on the attached Schedule A be, and the same hereby are, transferred to the Western District of Washington and, with the consent of that court, assigned to the Honorable Robert J. Bryan for coordinated or consolidated pretrial proceedings.

FOR THE PANEL:

*Andrew A. Caffrey*

Andrew A. Caffrey  
Chairman

---

<sup>1/</sup> We leave to the transferee court the determination concerning the proper degree of coordination between the Washington action and the MDL-823 actions.

SCHEDULE A

MDL-823 -- In re Fidata Trust Company New York Collection Litigation

Middle District of Alabama

Fidata Trust Company New York v. MAX Federal Credit Union, C.A. No. 89-D-899-N

Eastern District of Arkansas

Fidata Trust Company New York v. Benton Savings & Loan, C.A. No. LR-C-89-805

Central District of California

Fidata Trust Company New York v. Trans National Bank, C.A. No. CV-89-5470-ER (Bx)

District of Hawaii

Fidata Trust Company New York v. Oahu Educational Employees Federal Credit Union, C.A. No. 89-00708-DAE

Northern District of Illinois

Fidata Trust Company New York v. CCOM Ed. R & D Restricted Fund, C.A. No. 89-C-6528

Western District of Louisiana

Fidata Trust Company New York v. Forest Kraft Federal Credit Union, C.A. No. CV-89-2040

Eastern District of Michigan

Fidata Trust Company New York v. City of Flint, C.A. No. 89-CV-40252-FL

Fidata Trust Company New York v. City of Dearborn, C.A. No. 89-CV-72667-DT

District of Minnesota

Fidata Trust Company New York v. Proctor Federal Credit Union, C.A. No. Civ. 5-89-168

Northern District of Ohio

Fidata Trust Company New York v. Columbia Chemical Federal Credit Union, C.A. No. 5-89-CV-1850

MDL-823 Cont'd

Northern District of Oklahoma

Fidata Trust Company New York v. Amerada Federal Credit Union, C.A. No. 89-C-709-E

Western District of Pennsylvania

Fidata Trust Company New York v. First Federal Savings & Loan of New Castle, C.A. No. 89-1839

Eastern District of Texas

Fidata Trust Company New York v. Gulf Employees Credit Union, C.A. No. B-89-0732-CA

Western District of Texas

Fidata Trust Company New York v. El Paso Federal Credit Union, C.A. No. EP-89-CA-279

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -9 1990

JOHN REIDEL, et al.,

Plaintiffs,

vs.

SAMUEL K. SKINNER, et al.,

Defendants.


No. 89-C-0660-B ✓

CLERK  
U.S. DISTRICT COURT

ORDER

The Court, having received and considered a copy of a letter dated January 18, 1990, from the President of Hunters Pointe Property Owners' Association, Inc., Plaintiff herein, stating the Association's files failed to indicate any agreement by the Association to become a Plaintiff in the instant suit, nor does the immediate past President advise of any such commitment, thereby concludes that Hunters Pointe Property Owners' Association, Inc. should be and the same is hereby DISMISSED without prejudice.

IT IS SO ORDERED this 9<sup>th</sup> day of February, 1990.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFRED DAVID JOHNSON; GAIL M.  
BILLS a/k/a GAIL BILLS a/k/a  
GAYLE BILLS a/k/a GAIL JOHNSON;  
FORD CONSUMER CREDIT COMPANY;  
COUNTY TREASURER, Tulsa County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Tulsa County,  
Oklahoma;

Defendants.

FILED

FEB 9 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 89-C-599-B ✓

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 9<sup>th</sup> day  
of February, 1990. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Phil Pinnell, Assistant United States Attorney;  
the Defendants, County Treasurer, Tulsa County, Oklahoma, and  
Board of County Commissioners, Tulsa County, Oklahoma, appear by  
J. Dennis Semler, Assistant District Attorney, Tulsa County,  
Oklahoma; and the Defendants, Alfred David Johnson; Gail M. Bills  
a/k/a Gail Bills a/k/a Gayle Bills a/k/a Gail Johnson, and Ford  
Consumer Credit Company, appear not, but make default.

The Court being fully advised and having examined the  
file herein finds that the Defendant, Ford Consumer Credit  
Company, was served with Summons and Complaint on August 29,  
1989; that Defendant, County Treasurer, Tulsa County, Oklahoma,  
acknowledged receipt of Summons and Complaint on July 24, 1989;

the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

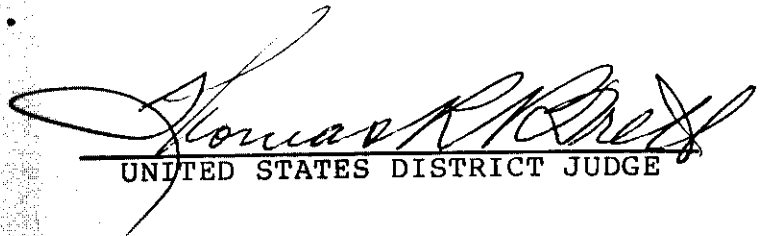
In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

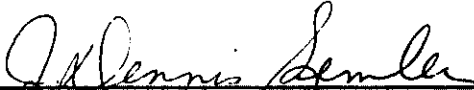
  
UNITED STATES DISTRICT JUDGE



APPROVED:

TONY M. GRAHAM  
United States Attorney

  
\_\_\_\_\_  
PHIL PINNELL, OBA #7169  
Assistant United States Attorney

  
\_\_\_\_\_  
J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-599-B

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -9 1990

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FINIS W. SMITH,

Defendant.

No. 89-C-836-CV  
No. 84-CR-60-C

ORDER

On October 6, 1989, defendant filed a motion pursuant to 28 U.S.C. §2255 to vacate, set aside or correct the sentence imposed upon him by this Court on February 28, 1986. On October 16, 1989, the United States Attorney for the Northern District of Oklahoma wrote a letter to defendant's daughter (and counsel) who had signed the motion. The letter relates an agreement between the defendant and the government which, inter alia, provided that defendant would file no §2255 motions. On October 19, 1989, defendant filed a withdrawal of the motion, stating that it was dismissed without prejudice. The government has filed an objection, requesting that the dismissal be with prejudice.

In response, defendant's counsel states that a dismissal without prejudice was sought to permit further investigation into whether the letter agreement was subsequently modified. Almost three months have now passed, and no further information from defendant has been forthcoming. Indeed, the Court can state with

assurance that no modification has been made as the Court would have been advised if such had taken place. Accordingly, the Court sees no basis to permit dismissal without prejudice.

It is the Order of the Court that the motion of the defendant pursuant to 28 U.S.C. §2255 is hereby dismissed with prejudice to future filings.

It is the further Order of the Court that defendant's request that government's objection and defendant's response be filed under seal is hereby denied.

IT IS SO ORDERED this 9 day of February, 1990.

  
H. DALE COOK

Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

*Dismissed  
Only 2 causes  
of action*  
FILED

FEB -9 1990

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

RAMONA WILLIAMS,

Plaintiff,

vs.

No. 89-C-534-C

KARA GAE WILSON, Tulsa County  
Superintendent of Schools,

Defendant.

ORDER

Now before the Court for its consideration is the motion of defendant for summary judgment.

Plaintiff brings three causes of action: (1) violation of Title VII of the Civil Rights Act, (2) discharge in retaliation for filing a workers' compensation claim, and (3) discharge as against public policy. Initially, the Court will address the Title VII claim.

Plaintiff was employed by defendant as a work permit clerk from March 3, 1977 to July 10, 1987. On May 8, 1987, plaintiff allegedly suffered an injury on the job. She was placed on workers' compensation leave and disability payments. Dr. Farish, the treating physician, released her to return to work on July 1, 1987. On July 2, 1987, plaintiff reported that she was unable to perform her work functions and left. July 3, 1987 was a holiday.

On July 6, 1987, plaintiff telephoned her employer and stated that she would not be at work that day. Plaintiff's husband thereafter submitted a doctor's letter to the employer, purporting to demonstrate a medical need to admit plaintiff to the hospital. The individual in charge of workers' compensation for Tulsa County found the letter insufficient. The hospital refused to admit plaintiff. Plaintiff did not report to work or call her employer on July 7, 8, 9, or 10, and was notified on July 10, 1987 that she was being terminated for job abandonment, which is described in the Tulsa County Employee Handbook.

Defendant places great reliance upon the affidavit of Dale Janda, first deputy to the Tulsa County Superintendent of Schools. Janda states that the fact that plaintiff is black played no part in the decision to terminate her. However, Janda does not state if he made the decision to terminate. Summary judgment cannot be granted as to that claim.

As for the pendent state claims, defendant asserts that plaintiff failed to comply with the requirements of the Political Subdivision Tort Claims Act, specifically the timeliness requirements contained in 51 O.S. §§156 and 157. Both parties have made reference to documents outside the pleadings, in particular to a state court action filed by plaintiff alleging these same state claims, but none of these documents have been provided. The Court therefore simply has no way of knowing whether plaintiff has timely complied or not. However, the Court raises sua sponte the following quotation:

If recovery is sought under the Political Subdivision Tort Claims Act, the petition must factually allege either actual or substantial compliance with §156 of the Act to withstand a demurrer.

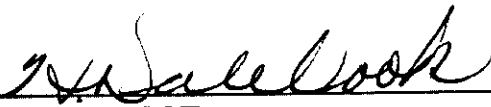
Willbourn v. City of Tulsa, 721 P.2d 803, 805  
(Okla. 1986) (footnote omitted).

Plaintiff's first amended complaint contains no allegations of compliance. The Court will therefore sua sponte dismiss the pendent claims without prejudice to their pursuit in the already-pending state court action.

It is the Order of the Court that the motion of the defendant for summary judgment is hereby denied as to the first cause of action. (Title VII claim).

It is the further Order of the Court that the motion of the defendant for summary judgment is hereby declared moot as to the second and third causes of action but that those actions are hereby dismissed sua sponte.

IT IS SO ORDERED this 9th day of February, 1990.

  
\_\_\_\_\_  
H. DALE COOK  
Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

FEB - 8 1990

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

MCI TELECOMMUNICATIONS  
CORPORATION,

Plaintiff,

v.

RECEPTIONISTS UNLIMITED V, INC.

Defendant.

Civil Action No. 89 C-747 E

STIPULATION FOR CONSENT DECREE

It is hereby stipulated, on this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by and between MCI Telecommunications Corporation, Plaintiff in the above-styled action, and Receptionists Unlimited V, Inc. ("RECEPTIONISTS"), Defendant in said action, that Defendant, RECEPTIONISTS acknowledges receipt of copies of the Complaint filed herein by the Plaintiff, MCI Telecommunications Corporation; that without trial or adjudication of any issue of fact or law raised by the Complaint herein, the parties hereby agree to the entry of judgment in favor of Plaintiff against Defendant RECEPTIONISTS in the principal amount of TWENTY SIX THOUSAND FOUR HUNDRED NINETY-NINE AND 46/100 DOLLARS (\$26,499.46), plus Plaintiff's reasonable attorneys fees, which the parties agree to equal \$750.00, for a total judgment amount of TWENTY SEVEN THOUSAND TWO HUNDRED FORTY-NINE AND 46/100 DOLLARS (\$27,249.46), and post-judgment interest thereon at the rate of one and one-half percent (1.5%) per month from the date of judgment, plus costs and attorneys' fees.

NOTE: THIS ORDER IS TO BE MAILED  
BY ADVANT TO ALL COUNSEL  
PRO SE LITIGANTS IMMEDIATELY  
UPON RECEIPT.

In acknowledgement and acceptance of the foregoing, the parties have caused this STIPULATION to be duly executed.

MCI TELECOMMUNICATIONS CORPORATION

By: John Meinrath  
Title: Senior Attorney  
Date: November 3, 1989

for RECEPTIONISTS UNLIMITED V, INC.

By: Jonathan D. Byers  
Title: President  
Date: 12/19/89



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

BABY GIRL KIRBY, a minor,  
deceased, by her natural parents,  
guardians, personal  
representatives, and next of kin,  
JOE KIRBY and JOANN KIRBY,  
husband and wife, and  
JOE KIRBY, individually,  
and JOANN KIRBY, individually,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

FILED

FEB 8 1990 *OK*

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CASE NO. 88-C-1214-B ✓


ORDER

This matter comes on before the Court upon the Stipulation of all parties and the Court being fully advised in the premises ORDERS, ADJUDGES AND DECREES that all claims asserted herein by Plaintiffs, Baby Girl Kirby, a minor, deceased, by her natural parents, guardians, personal representatives, and next of kin, Joe Kirby and Joann Kirby, husband and wife, and Joe Kirby, individually, and Joann Kirby, individually, against the United States of America are hereby dismissed with prejudice, the parties to bear their own costs and attorneys' fees.

DATED this 8<sup>th</sup> day of February, 1990.

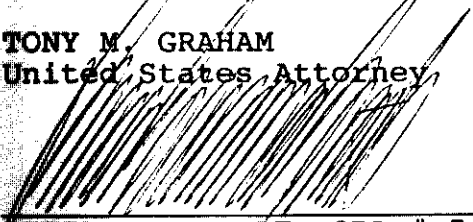
  
UNITED STATES DISTRICT JUDGE

KIRBY v. USA  
88-C-1214-B

  
STEPHEN C. WOLFE, OBA #8930  
TED G. VOGLE, OBA #  
Wolfe and Vogle  
1325 South Main  
Tulsa, Oklahoma 74119

UNITED STATES OF AMERICA

TONY M. GRAHAM  
United States Attorney



PETER BERNHARDT, OBA # 741  
Assistant United States Attorney  
3600 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

FILED

FEB 8 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

CLARENDON LTD., formerly )  
known as Marc Rich + Co. )  
International Ltd., )

Plaintiff, )

vs. )

89-C-925 C

ESCO EXPLORATION, INC., )

Defendant. )

STIPULATION OF  
DISMISSAL WITH PREJUDICE

Pursuant to Fed R. Civ. P. 41, the above-named Plaintiff and Defendant hereby dismiss the above-captioned action with prejudice.

Dated this 30<sup>th</sup> day of January, 1990.

Wade A. Hoefling OBA #4263  
Scott P. Hathaway OBA #013695

By: Wade A. Hoefling

Wade A. Hoefling

Conner & Winters  
2400 1st National Tower  
Tulsa, Oklahoma 74103  
(918) 586-5711

Attorneys for Defendant  
ESCO Exploration, Inc.

COMFORT, LIPE & GREEN, P.C.

By: Richard A. Paschal

Richard A. Paschal  
M. Freeman-Burney  
2100 Mid-Continent Tower  
401 South Boston Avenue  
Tulsa, Oklahoma 74103  
(918) 599-9400

Attorneys for Plaintiff,  
CLARENDON, LTD.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
FEB -7 1990  
JAMES K. DEUSCHLE, CLERK  
U.S. DISTRICT COURT

DAVID BERRY,

Plaintiff,

vs.

Case No. 89-C-416-B

OASIS, INC., an Oklahoma  
corporation, and CRAIG  
MONDY,

Defendants.

**STIPULATION OF DISMISSAL WITH PREJUDICE**

COME NOW the parties and stipulate to the dismissal of the  
above styled and numbered cause with prejudice to any future  
action.

**FRASIER & FRASIER**

BY: 

Steven R. Hickman, OBA #4172  
1700 Southwest Boulevard  
P. O. Box 799  
Tulsa, OK 74101  
918/584-4724  
Attorneys for Plaintiff

**HOEL, BONNELL, SHELTON,  
DEUSCHLE, EDMISON & VINCENT, P.A.**

BY: 

James K. Deuschle  
1518 South Cheyenne Ave.  
Tulsa, OK 74119  
918/592-2275  
Attorneys for Defendant

FILED

FEB 7 1990

## United States District Court

NORTHERN

DISTRICT OF

OKLAHOMA

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

LOYD CHESSER

## JUDGMENT IN A CIVIL CASE

v.

COUNTY OF NOWATA, STATE OF  
OKLAHOMA, an Okla. Political  
subdivision; THE ESTATE OF HAROLD  
LAY; and WILLIAM CODY, an individual

CASE NUMBER: 88-C-1555-B ✓

- ☒ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT JUDGMENT IS HEREBY GRANTED THE  
DEFENDANTS, COUNTY OF NOWATA, STATE OF OKLAHOMA, THE ESTATE OF  
HAROLD LAY AND WILLIAM CODY, AGAINST THE PLAINTIFF, LOYD CHESSER,  
AND THE COSTS OF THIS ACTION.

2-7-90

Date

  
THOMAS R. BRETT, JUDGE

(By) Deputy Clerk

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

JAY WILLIAM BLAIR, and MILDRED  
L. BLAIR,

Plaintiffs,

vs.

EAGLE-PICHER INDUSTRIES, INC.,  
and OWENS-CORNING FIBERGLAS  
CORPORATION,

Defendants.

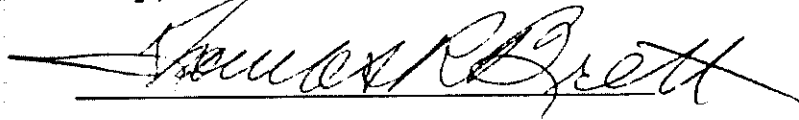
No. 88-C-720-B

J U D G M E N T

In accordance with the verdict of the jury, rendered on February 2, 1990, Judgment is hereby entered in favor of Plaintiff, Jay William Blair, and against the Defendants, Eagle-Picher Industries, Inc. and Owens-Corning Fiberglas Corporation, in the amount of Three Hundred Thousand Dollars (\$300,000.00) less Twenty Thousand Three Hundred Twenty One and No/100 Dollars (\$20,321.00), for a total judgment of Two Hundred Seventy-Nine Thousand Six Hundred Seventy Nine and NO/100 Dollars (\$279,679.00), plus pre-judgment interest at the rate of 12.35% per annum (12 O.S. §727) from the date of July 28, 1988 to the date of Judgment, and post-judgment interest at the rate of 7.74% per annum (28 U.S.C. §1961) from the date of judgment on the total of said principal sum and pre-judgment interest. Judgment is hereby entered in favor of Plaintiff, Mildred L. Blair, and against the Defendants, Eagle-Picher Industries, Inc. and Owens-Corning Fiberglas Corporation, in the amount of Fifty Thousand Dollars (\$50,000.00), plus pre-judgment interest at the rate of 12.35% per annum (12 O.S. §727)

from the date of July 28, 1988 to the date of Judgment, and post-judgment interest at the rate of 7.74% per annum (28 U.S.C. §1961) from the date of judgment on the total of said principal sum and pre-judgment interest. Costs of the action may be awarded to Plaintiffs if timely applied for under the Local Rules.

DATED this 7<sup>th</sup> day of February, 1990.

A handwritten signature in dark ink, appearing to read "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE



**FILED**

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FEB 7 1990**

FEDERAL DEPOSIT INSURANCE CORPORATION,  
in its corporate capacity,

Plaintiff,

vs.

PATRICK R. BEASON and REBECCA S. BEASON,  
husband and wife,

Defendants.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

No. 89-C-142E

JOURNAL ENTRY OF JUDGMENT

Now on this 7<sup>th</sup> day of Feb., 1990, comes on for consideration the Motion for Default Judgment filed herein by Plaintiff, Federal Deposit Insurance Corporation, in its corporate capacity ("FDIC").

This Court having duly considered the issues presented by FDIC, and a decision having been duly rendered, finds as follows:

1. Plaintiff Federal Deposit Insurance Corporation in its corporate capacity ("FDIC") is a corporation organized and existing under the laws of the United States of America.

2. Defendants Patrick R. Beason and Rebecca S. Beason ("Beason") are husband and wife and reside within the Northern District of Oklahoma.

3. All of the real property involved in this matter is located in Tulsa County, State of Oklahoma.

4. This Court has proper jurisdiction pursuant to the provisions of 28 U.S.C. § 1332(a) and 12 U.S.C. § 1819 (Fourth).

5. On or about June 13, 1986, for good and valuable consideration, Defendants Beason made, executed and delivered unto Century Bank (the "Bank") that certain Promissory Note, in the original principal sum of \$85,500.00, plus interest accruing thereon at the rate of 9%, bearing Note No. 1986R with a maturity date of "on demand, but in no event, later than 6-13-2010" (the "Note").

6. As security for the repayment of the indebtedness evidenced by the Note, Defendants Beason on or about June 13, 1986, made, executed and delivered unto the Bank that certain Real Estate Mortgage covering certain real property more particularly described therein, located in Tulsa County, State of Oklahoma (the "Subject Property"), which was recorded in the Office of the County Clerk of Tulsa County, State of Oklahoma, on June 19, 1986, in Book 4949, Page 2784 (the "Mortgage").

7. On March 24, 1988, the Oklahoma Banking Commissioner ("Commissioner") issued Order No. 88-R-12 closing the Bank and assumed exclusive custody and control of the property and affairs of the Bank, all pursuant to Okla. Stat. tit. 6, § 1202(B) (1984).

8. The Commissioner tendered to Federal Deposit Insurance Corporation appointment as the Liquidating Agent of the Bank ("Liquidating Agent"), pursuant to Okla. Stat. tit. 6, § 1205(B) (1984).

9. Pursuant to 12 U.S.C. § 1821(e), Federal Deposit Insurance Corporation accepted appointment as Liquidating Agent

of the Bank and became possessed of all assets, business and property of the Bank pursuant to Okla. Stat. tit. 6, § 1206(C) (1984).

10. Subsequent thereto, FDIC acquired all right, title and interest of the Bank in and to the Note and the Mortgage from the Liquidating Agent.

11. Defendants Beason have failed and refused to make the payments required under the terms of the Note and as a consequence are in default thereunder. FDIC has elected to and has in fact accelerated the entire indebtedness evidenced by the Note and has declared the same to be immediately due and payable.

12. As of February 9, 1989, there was due and owing under the terms of the Note the principal sum of \$84,152.49 plus accrued interest in the sum of \$5,000.88, plus interest accruing from and after February 9, 1989, until paid in full at the rate of \$20.75 per diem.

13. By virtue of the Mortgage, FDIC has a first, valid, prior and superior security interest in and to the Subject Property and is entitled to foreclose its interest therein.

14. FDIC is entitled to foreclose its Mortgage against the Subject Property, by and for the reason that this Court has determined that FDIC has a first, valid, prior and superior interest in and to the Subject Property.

15. Defendants Beason have filed for bankruptcy relief in Case No. 89-00650-W (Chapter 13) in the United States Bankruptcy Court for the Northern District of Oklahoma, styled In re:

Patrick R. Beason and Rebecca S. Beason ("Bankruptcy Action"). On July 3, 1989, the Bankruptcy Court entered its order lifting the automatic stay imposed in this action, abandoning the Subject Property, and allowing FDIC to proceed in this action for an in rem judgment herein against Defendants Beason.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, as follows:

1. The Plaintiff, FDIC, recover from the Defendants judgment in rem in the principal sum of \$84,152.49, plus interest accrued to February 9, 1989, in the sum of \$5,000.88, plus interest accruing from and after February 9, 1989, until the date of judgment at the rate of \$20.75 per diem, all costs and expenses incurred herein by FDIC, a reasonable attorney's fee, plus interest on the total from the date of judgment until paid in full at the maximum rate allowed by law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Mortgage is a first, valid, prior, and superior lien against the Subject Property, that the right, title, and/or interest of Defendants in the Subject Property is junior, subordinate, and inferior to the Mortgage, and that FDIC is hereby entitled to foreclose its interest therein. Further, upon foreclosure of the Mortgage, FDIC is entitled to have the Subject Property sold at Sheriff's Sale, with all proceeds realized therefrom being applied in reduction of the indebtedness due and owing to FDIC by Defendants Beason under the terms of the Note, including its costs and attorney's fees, with any sum remaining thereafter to be applied pursuant to further order of this Court.

DATED this 17<sup>th</sup> day of Feb., 1990.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE CORPORATION, )  
acting in its corporate capacity as successor to )  
The Citizens Bank, Drumright, Oklahoma; FEDERAL )  
FEDERAL DEPOSIT INSURANCE CORPORATION, )  
acting in its corporate capacity as successor to )  
First State Bank, Oilton, Oklahoma; FEDERAL DEPOSIT )  
INSURANCE CORPORATION, acting in its capacity )  
as Liquidating Agent of United Services Bank, )  
Hartshorne, Oklahoma, )

Plaintiffs, )

vs. )

FREDDIE K. SALIBA, an individual; CECILIA A. )  
SALIBA, an individual; TANYA SALIBA, an individual; )  
ANGELA SALIBA, an individual; FREDDIE'S SALES & )  
SERVICE, INC., an Oklahoma corporation; DENNI )  
ENTERPRISES, Inc., an Oklahoma corporation; )  
RON LINK, an individual, )

Defendants. )

Case No. 89-C-965-E

FILED  
FEB 7 1990  
James O. Ellison, Clerk  
U.S. DISTRICT COURT

**JUDGMENT BY CONFESSION - RON LINK**

This matter comes on before the Court, the Honorable James O. Ellison presiding, on this 7 day of February, 1990, pursuant to regular assignment. Plaintiff, Federal Deposit Insurance Corporation, acting in its corporate capacity as successor to First State Bank, Oilton, Oklahoma ("FDIC/Oilton") is represented by its counsel, Robert S. Glass of Gable & Gotwals, Inc. and the Defendant, Ron Link ("Link") is represented by his counsel, Clayton L. Badger; and said counsel having represented to the Court by virtue of their signatures together with the signature of Link hereinbelow, that the parties have agreed to the entry of this Judgment By Confession of liability in favor of FDIC/Oilton and against Link in the sum hereinbelow stated, plus interest accruing thereon at the rate of <sup>2.74</sup>~~2.68~~% per annum, pursuant to 28 U.S.C. §1961, from the date of this Judgment until paid in full, together with all costs of this action, including reasonable attorneys' fees in

the sum of \$1,500.00 and all accruing collection costs. The Court makes the following FINDINGS pursuant to the stipulations and agreement of the parties to this Judgment By Confession:

(A) This Court has jurisdiction over the subject matter and the parties hereto. The issues in this case, as same relate to Link, have been resolved either by agreement between the parties or by virtue of the confession of judgment by Link.

(B) All of the allegations of Plaintiff's Complaint, Count XI, are true and correct and FDIC/Oilton is entitled to judgment under its Count XI against the Defendant, Link, as follows:

On its Count XI, FDIC/Oilton is entitled to judgment against Link in the aggregate sum of \$19,727.80, calculated as of November 22, 1989, together with all other charges, expenses, attorneys' fees in the sum of \$1,500.00 and accrued and accruing interest at the rate of 13.0% per annum to the date of this Judgment and interest accruing on the unpaid indebtedness from the date of this Judgment at the rate of <sup>7.74</sup>~~7.66~~% per annum until paid in full.

IT IS THEREFORE ORDERED and DECREED by this Court that the FDIC/Oilton shall recover of and from Link under its Count XI the amounts hereinabove set forth; that interest shall accrue on the unpaid indebtedness at the rate of <sup>7.74</sup>~~7.66~~% per annum, pursuant to 28 U.S.C. §1961, from the date of this Judgment until paid in full, and FDIC/Oilton shall recover all costs of this action, including attorneys' fees in the sum of \$1,500.00, for all of which general execution shall issue.

IT IS SO ORDERED.

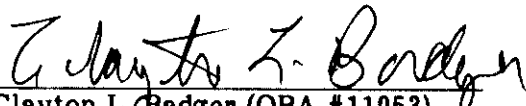
S/ JAMES O. ELLISON

HONORABLE JAMES O. ELLISON,  
UNITED STATES BANKRUPTCY COURT JUDGE

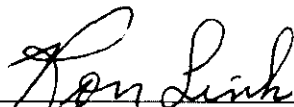
APPROVED AND AGREED TO:



Robert S. Glass (OBA #10824)  
Counsel for Plaintiff, FDIC/Oilton



Clayton L. Badger (OBA #11053)  
Counsel for Defendant, Ron Link



Ron Link



IN THE UNITED STATES DISTRICT COURT IN AND FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

ROBERT SHREWDER d/b/a  
S & S SALES AND ENGINEERING,

Plaintiff,

v.

TRAVIS W. FREEMAN, an  
individual; TRAVIS W.  
FREEMAN d/b/a FREEMAN  
BUILDER'S SUPPLY, INC.,  
an Oklahoma corporation,  
and EPIC METALS CORPORATION,  
a foreign corporation,

Defendants.

Case No. 88-C-1443<sup>E</sup>

**FILED**

**FEB 7 1990**

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

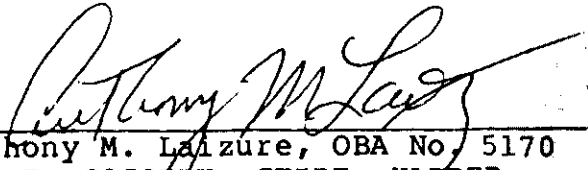
ORDER OF DISMISSAL

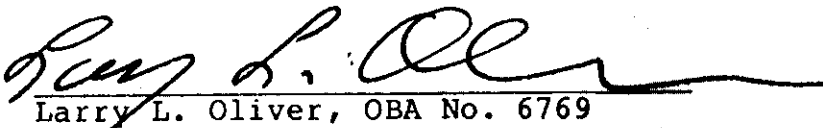
NOW comes before this Court the Stipulation of Dismissal filed herein by all parties pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure; and the Court having reviewed said Stipulation of Dismissal and good cause having been stated in support thereof, ORDERS that the Complaint filed on September 16, 1988 in Tulsa County District Court and removed to this Court on October 19, 1988, and any amendments thereto be and the same is hereby dismissed together with any and all claims asserted by the Defendants in their pleadings and motions on file herein, all with prejudice to the rights of the parties to reassert such claims.

S/ JAMES O. ELLISON

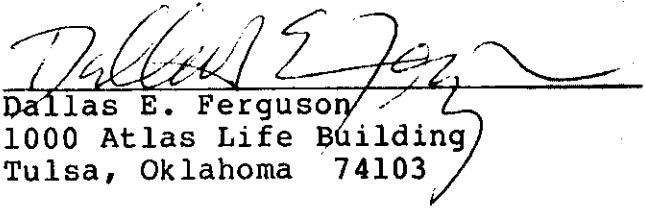
UNITED STATES DISTRICT COURT JUDGE

Approved for Entry:

  
Anthony M. Laizure, OBA No. 5170  
STIPE, GOSSETT, STIPE, HARPER,  
ESTES, McCUNE & PARKS  
2211 East Skelly Drive  
Tulsa, Oklahoma 74105  
(918) 745-6084

  
Larry L. Oliver, OBA No. 6769  
LARRY L. OLIVER & ASSOCIATES, P.C.  
2211 East Skelly Drive  
Tulsa, Oklahoma 74105  
(918) 745-6084

Counsel for Plaintiff

  
Dallas E. Ferguson  
1000 Atlas Life Building  
Tulsa, Oklahoma 74103

1890

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JON ENGLER TRUCKING, INC.,  
an Oklahoma Corporation,

Plaintiff,

vs.

Case No. 89-C-403-E

SUNBELT EXPRESS, INC.,  
a Texas corporation, TRUCK  
INSURANCE EXCHANGE and  
GILBERT SILVA,

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Pursuant to the Stipulation of Dismissal Without Prejudice  
signed by all parties who have appeared in this action,

IT IS HEREBY ORDERED, that Defendant, Truck Insurance  
Exchange, is dismissed without prejudice. Each party shall bear  
their own costs and attorney fees.

S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEDERAL DEPOSIT INSURANCE CORPORATION,  
acting in its corporate capacity as successor to  
The Citizens Bank, Drumright, Oklahoma; FEDERAL  
FEDERAL DEPOSIT INSURANCE CORPORATION,  
acting in its corporate capacity as successor to  
First State Bank, Oilton, Oklahoma; FEDERAL DEPOSIT  
INSURANCE CORPORATION, acting in its capacity  
as Liquidating Agent of United Services Bank,  
Hartshorne, Oklahoma,

Plaintiffs,

vs.

FREDDIE K. SALIBA, an individual; CECILIA A.  
SALIBA, an individual; TANYA SALIBA, an individual;  
ANGELA SALIBA, an individual; FREDDIE'S SALES &  
SERVICE, INC., an Oklahoma corporation; DENNI  
ENTERPRISES, INC., an Oklahoma corporation;  
RON LINK, an individual,

Defendants.

**FILED**

**FEB 7 1990**

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Case No. 89-C-965-E

**JUDGMENT BY DEFAULT**

This matter came on before the Court this 7 day of <sup>Feb</sup> ~~January~~, 1990. Plaintiff, Federal Deposit Insurance Corporation, acting in its corporate capacity as successor to the Citizens Bank, Drumright, Oklahoma ("FDIC/Citizens"), is represented by its counsel, Robert S. Glass of Gable & Gotwals, Inc. The Defendant, Tanya Saliba ("Tanya"), has failed to timely appear herein or otherwise plead, and default has been entered against her pursuant to Fed. R. Civ. P. 55 and Local Rule 23 by the Court Clerk. FDIC/Citizens is entitled to judgment against Tanya in the sums hereinbelow stated, plus interest accruing thereon at the rate of <sup>7.74</sup> ~~7.66~~% per annum, pursuant to 28 U.S.C. §1961, from the date of this Judgment until paid in full, together with all other costs of this action, including reasonable attorneys' fees in the sum of \$2,000.00 and all accruing collection costs. The Court makes the following FINDINGS:

RSG/01-90322

1. This Court has jurisdiction of the subject matter and the parties hereto and Tanya is in default in these proceedings.

2. All of the allegations of **Plaintiffs'** Complaint, Count VII, are true and correct and FDIC/Citizens is entitled to default judgment under its Count VII against Tanya as follows:

On its Count VII, FDIC/Citizens is entitled to judgment against Tanya in the aggregate sum of \$65,812.30, calculated as of November 22, 1989, together with all other charges, expenses, attorneys' fees and accrued and accruing interest at the rate of 11.50% per annum to the date of this Judgment, and interest shall accrue on the unpaid indebtedness from the date of this Judgment at the rate of <sup>17.74</sup>~~7.66~~% per annum until paid in full; and the FDIC/Citizens Note VI Mortgage (described in the Complaint, paragraph 52) may be foreclosed by FDIC/Citizens, at its sole election, and the lien created by the recordation of the FDIC/Citizens Note VI Mortgage and the FDIC/Citizens Note VI Security Agreement (described in the Complaint, paragraph 53) and financing statement filed in connection therewith are declared valid liens encumbering the FDIC/Citizens Note VI Collateral (described in the Complaint, paragraph 54), prior and superior to the interests of Tanya and all persons or entities claiming under her; that FDIC/Citizens is entitled to the issuance of an Order of Special Execution and Sale, at its sole election, which shall be issued commanding either by the United States Marshal for the Northern District of Oklahoma or the Sheriff of Creek County, Oklahoma, at FDIC/Citizens' sole election, to advertise and sell upon execution the FDIC/Citizens Note VI Collateral; and that the proceeds from the sale shall be applied to the payment of:

- (i) first, all costs, including attorneys' fees incurred by FDIC/Citizens in connection with this action;
- (ii) second, the judgment of FDIC/Citizens under its Count VI;
- (iii) third, that the balance, if any remaining, be paid into this Court;

and that Tanya and all persons and entities claiming under her shall be barred, restrained and enjoined from having or asserting any right, title, interest or right of redemption in or against the FDIC/Citizens Note VI Collateral; and that the purchaser at sale shall be entitled to the issuance of a Writ of Assistance.

IT IS THEREFORE ORDERED and DECREED by this Court that FDIC/Citizens shall recover of and from Tanya under its Count VII the amounts set forth above; and that interest shall accrue thereon from the date of this Judgment at the rate of <sup>7.74</sup>~~7.66%~~ per annum, pursuant to 28 U.S.C §1961, until paid in full, together with all costs of this action, including attorneys' fees in the sum of \$2,000.00, and all accruing collection costs; and at FDIC/Citizens' sole election the FDIC/Citizens Note VI Collateral shall be sold, as above provided; for all of which general execution shall issue and special execution may issue at this time.

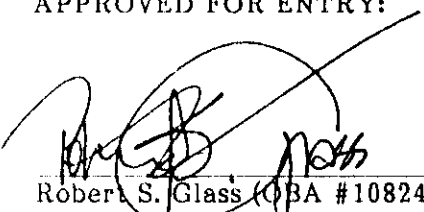
IT IS SO ORDERED.

S/ JAMES O. ELLISON

~~Jack Silver, Court Clerk~~

United States District Court Judge  
Northern District of Oklahoma

APPROVED FOR ENTRY:

  
Robert S. Glass (OBA #10824)  
Counsel for Plaintiff,  
Federal Deposit Insurance Corporation,  
acting in its corporate capacity as  
successor to FDIC/Citizens

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

INTERSTATE COMMERCE COMMISSION, )

Plaintiff, )

vs. )

RUBY G. HERNDON, an individual, )

and )

JAMES T. HERNDON, an individual, )

Defendants. )

Civil Action No. 89C-1051C

PERMANENT INJUNCTION

FILED

FEB 6 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

This cause is before the Court for entry of judgment based upon the Complaint, and the consent of the Plaintiff and the Defendants Ruby G. Herndon and James T. Herndon. The Court has made and filed its Findings of Fact and Conclusions of Law herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants, Ruby G. Herndon and James T. Herndon, their agents, employees, representatives, and all persons in active concert or participation with them, be permanently enjoined from, in any manner or by any device, operating, or holding themselves out to operate, as a motor carrier of passengers over public highways in interstate or foreign commerce for compensation, unless:

(a) there is in effect and on file with the Interstate Commerce Commission, in the manner and amounts prescribed, an acceptable surety bond, certificate of insurance or proof of self-insurance,

conditioned to pay any final judgment recovered against Defendants for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance or use of motor vehicles, or for loss of or damage to property of others; and

(b) there is in effect an appropriate certificate, permit, or license issued by the Interstate Commerce Commission authorizing such operations.

The parties shall bear their own costs in this matter.

Dated this 6<sup>th</sup> day of Feb, 1990.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE



Entry of the foregoing is agreed to by the parties.

INTERSTATE COMMERCE COMMISSION

By: Judith A. Rutledge  
JUDITH A. RUTLEDGE  
Attorney for Plaintiff  
411 West 7th Street, Suite 510  
Fort Worth, TX 76102  
(817) 334-3857 FTS & Commercial

Ruby G. Herndon  
RUBY G. HERNDON  
Defendant  
Route 3, Box 133  
Colcord, OK 74338  
(918) 868-2680

James T. Herndon  
JAMES T. HERNDON  
Defendant  
Route 3, Box 133  
Colcord, OK 74338  
(918) 868-2680  
Texas Bar No. 17460500

Phil Thompson  
PHIL THOMPSON  
DAVIS & THOMPSON  
Attorney for Defendants  
P. O. Box 487  
Jay, OK 74346  
(918) 253-4298  
Bar No. 8979

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -6 1990

JACOB SILVER, CLERK  
U.S. DISTRICT COURT

EMIEL E. "BUDDY" BELZER,

Plaintiff,

vs.

PAUL THOMAS, a/k/a PAUL THOMAS  
JR., Individually and d/b/a  
THOMAS AGENCY, and also d/b/a  
FRONTIER MOTORS,

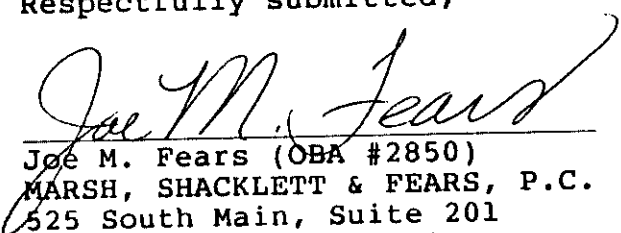
Defendant.

Case No. 89-C-977

NOTICE OF DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff, pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), and hereby dismisses this case without prejudice, Plaintiff having decided to pursue his claims in another forum. Plaintiff states that no service of process has ever been made on Defendant in this case.

Respectfully submitted,

  
Joe M. Fears (OBA #2850)  
MARSH, SHACKLETT & FEARS, P.C.  
525 South Main, Suite 201  
Tulsa, Oklahoma 74103  
(918) 587-0141

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WILLIAM MOSER,

Plaintiff,

vs.

W. S. ATHERTON and  
WILLIAM M. POULOS,

Defendants.

)  
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) No. 87-C-1004-C  
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**FILED**

FEB 6 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER

THIS matter comes on before me, the undersigned Judge pursuant to the Joint Motion For Dismissal by all parties. For good cause shown, the Court finds that the motion should be granted.

IT IS THEREFORE ORDERED that the above captioned case is dismissed with prejudice.

(Signed) H. Dale Cook

UNITED STATES DISTRICT COURT JUDGE

011190:mk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARK ANTHONY THORNTON, et al., )

Plaintiff, )

vs. )

DONALD C. LANE,  
GORDON W. EDWARDS,

Defendants. )

No. 88-C-353-E

FILED

FEB 5 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

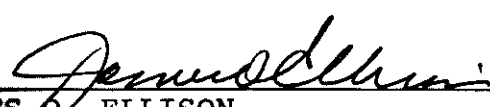
ORDER

The Court has for consideration the Report and Recommendations of the Magistrate filed July 20, 1989. No exceptions or objections have been filed although Plaintiff was granted an extension of time until January 19, 1990 to file any desired objection. The time for filing such exceptions or objections has now expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendations of the Magistrate should be and hereby are adopted by the Court.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss should be and is hereby granted and the action is hereby dismissed with prejudice to any subsequent refiling.

ORDERED this 2<sup>d</sup> day of February, 1990.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF OKLAHOMA

20

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
TULSA DIVISION

ELIZABETH DOLE, Secretary of  
Labor, United States Department  
of Labor,

Plaintiff,

v.

JOHN E. MCGREGOR, Individually  
and d/b/a JOHN E. MCGREGOR  
CONSTRUCTION COMPANY,

Defendants.

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) Civil Action  
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) No. 89-C-197 E  
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JUDGMENT BY DEFAULT

Plaintiff's motion for judgment by default came on for consideration. It appears to the Court that on March 13, 1989, this civil action was commenced; that on June 27, 1989, the summons and complaint were served upon defendant; that on September 29, 1989, the Clerk of the Court entered default against defendant pursuant to Rule 55 of the Federal Rules of Civil Procedure; that defendant has not moved pursuant to Rule 55(c) to set aside for good cause shown the entry of default against him; and that defendant is withholding \$1,738.20 in unpaid wages due to nineteen employees. It is therefore:

ORDERED, ADJUDGED and DECREED that defendant, his officers, agents, servants, employees and all persons in active concert or participation with him be and he hereby is permanently enjoined and restrained from violating the provisions of sections 7 and 11(c) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., hereinafter referred to as the Act, in any of the following manners:

1. Defendant shall not, contrary to Sections 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2) employ any employee in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than forty (40) hours, unless the employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

2. Defendant shall not, contrary to Sections 11(c) and 15(a)(5) of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), fail to make, keep and preserve adequate and accurate records of the persons employed by him, and the wages, hours and other conditions and practices of employment maintained by him as prescribed by regulations issued by the Administrator of the Employment Standards Administration, United States Department of Labor (29 C.F.R. Part 516).

It is further ORDERED, ADJUDGED and DECREED that defendant be, and he hereby is, enjoined and restrained from withholding payment of overtime compensation in the amount of \$1,738.20, which the Court finds is due under the Act to defendant's employees named in Exhibit A attached hereto in the amounts indicated for the period June 1, 1985 to June 30, 1987 plus an additional amount of \$1,738.20 as liquidated damages. To comply with this provision of this judgment, defendant, within thirty

(30) days from entry of this judgment, shall deliver to the plaintiff a cashier's or certified check payable to "Employment Standards Administration - Labor" in the total amount of \$3,476.40, the proceeds of which check the plaintiff shall distribute to defendant employees named herein. Any net sums which within one year after the payment pursuant to this judgment have not been distributed to such employees, or to their estate if necessary, because of plaintiff's inability to locate the proper persons, or because of their refusal to accept such sums, shall be deposited with the Clerk of this Court who shall forthwith deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. § 2041.

It is further ORDERED that, if defendants fail forthwith to deliver to plaintiff a cashier's check payable to "Employment Standards Administration, United States Department of Labor" in the amount of \$3,476.40 plaintiff shall recover of defendants post-judgment interest thereon at the rate of 7.74 percent per annum as provided by 28 U.S.C. § 1961.

It is further ORDERED, that the costs of this action be, and the same hereby are, taxed against defendants for which execution may issue.

Dated this 5 day of February, 1990.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

EXHIBIT "A"

Iain Anderson	\$ 29.81
Dave Bendixon	58.13
Christian Boniface	11.25
Keith Chandler	168.75
Greg Curtis	675.00
Wayne Hooker	26.00
L.C. Jordan	12.50
Brad Lewis	140.25
Ted List	31.25
Preston Miller	12.50
Rick Putney	53.75
David Randolph	180.13
Tony Randolph	33.75
Todd Reed	20.00
Jeff Robinson	83.25
Craig Rummelhart	25.00
Helmer Simonsen	67.50
Harold Vaughn	86.63
Duane Weibenga	22.75

\$1,738.20



EJM/cla mcclaine.jou

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

THE HARTFORD INSURANCE GROUP, )  
a Foreign Corporation, )

Plaintiff, )

vs. )

No. 89-C-384-E

EVONNE ROSE McCLAINÉ and )  
GEORGE McCLAINÉ, Parents and )  
next Friends of NATHAN RYAN )  
McCLAINÉ, a minor, )

Defendants. )

JOURNAL ENTRY OF JUDGMENT

NOW on this 26th day of January, 1990, this case came on for hearing before the undersigned. The plaintiff, The Hartford Insurance Group, appeared by and through its attorney, James K. Secrest, II, and the defendant, Evonne Rose McClaine and George McClaine, parents and next friends of Nathan Ryan McClaine, a minor, appear by and through their attorney, Stephen C. Wolfe.

The Court is advised that this cause is brought by plaintiff in order to determine the amount of insurance coverage applicable to an incident which was the subject of an action brought in the United States District Court for the Western District of Oklahoma, and bearing the style: Evonne Rose McClaine, Mother and next friend of Nathan Ryan McClaine, a minor, Plaintiff, vs. Carol E. Holsted, M.D., and Steven Arthurs, M.D., d/b/a Kingfisher Medical Clinic, Kingfisher, Oklahoma, D. Tracy and Community Hospital, Inc., an Oklahoma Corporation a/k/a Kingfisher Regional Hospital, Defendants, Case No. Civ-88-1316-W.

The Court is further advised that the aforementioned action in the Western District of Oklahoma was settled for an amount equal to the available insurance coverage, said amount to equal a minimum of \$200,000.00 and an additional amount to be determined by the present action. The Court is further advised that the Judgment for the \$200,000.00 minimum has been paid in full and said Judgment full released and satisfied.

The Court finds that the parties have entered into an agreed settlement as to the additional amount of applicable insurance coverage, in the total sum of \$100,000.00, and that this sum is to be distributed as follows:

A. That Attorney Stephen C. Wolfe be paid attorney's fees in the sum of \$45,000.00;

B. That Attorney Steven C. Wolfe be reimbursed of expenses in the sum of \$750.00;

C. Nathan Ryan McClaine be awarded the sum of \$54,250.00 and that Evonne Rose McClaine, as natural mother and next friend, be ordered to place said money in a trust account, styled Evonne Rose McClaine, trustee of Nathan Ryan McClaine, a minor, at the Peoples State Bank and Trust Company of Russellville, Arkansas, which said depository bank is an FDIC bank and is hereby approved by the Court; that said funds remain in the trust account of said bank to be removed only upon Order of the Court, or upon the attainment of majority by Nathan Ryan McClaine, all in accordance with 12 O.S. Supp. 1989 Section 83; and that prior to any removal of such deposited funds, an officer of said bank shall verify, by his signature, any such Court Order for the removal of funds.

It is expressly understood that the parents of said minor child are to receive no monies from this settlement.

It is agreed that this settlement is part and parcel of the settlement agreement previously achieved in the case of Evonne Rose McClaine v. Holsted, et al, Case No. Civ-88-1319-W, and that this settlement resolves any remaining dispute as contemplated by the Judgment rendered in that action.

The Court finds that the \$200,000.00 stated to be the agreed minimum amount in settlement of the prior action brought in the Western District of Oklahoma, McClaine v. Holsted, et al, Case No. Civ-88-1316-W had been paid and that a release and satisfaction of that Judgment has been filed with the United States District Court for the Western District of Oklahoma. It is agreed that upon payment of the \$100,000.00 distributed pursuant to this Order, Nathan Ryan McClaine will not be entitled to recover any additional sums in excess of these amounts.

The Court, having received testimony herein, having reviewed the pleadings and documents filed of record in this matter as well as hearing argument of counsel, finds that said settlement is fair and reasonable and was fully and freely entered into by each of the parties. The Court finds that said settlement agreement also constitutes the full agreement and settlement between the parties both as to this action and as to the case of McClaine v. Holsted, et al, C-88-1316-W, filed in the United States District Court for the Western District of Oklahoma. Therefore, the Court finds that said settlement should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant be awarded the sum of \$100,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that of said \$100,000.00, Steven C. Wolfe be awarded the sum of \$45,000.00 as attorney's fees and be reimbursed of costs and expenses in the amount of \$750.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Nathan Ryan McClaine be awarded the sum of \$54,250.00 and that Evonne Rose McClaine, as natural mother and next friend, be ordered to place said money in a trust account styled "Evonne Rose McClaine, trustee of Nathan Ryan McClaine, a minor", and that said trust account shall be located at the Peoples Bank and Trust Company of Russelville, Arkansas, an FDIC Bank which is hereby approved by the Court. It is further ordered that said funds remain in the trust account of said bank to be removed only upon Order of the Court or upon the attainment of the age of majority by Nathan Ryan McClaine, all in accordance with 12 O.S. Supp. 1989 Section 83, and that prior to any removal of such deposited funds, an officer of the bank shall verify by his signature any Court Order to remove funds.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the parents of said minor child have and receive nothing from the proceeds of this settlement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that this Judgment fully satisfies the provision of the Journal Entry of Judgment rendered April 7, 1989, in the case of

Evonne Rose McClaine v. Holsted, et al., Case No. Civ-88-1316-W, United States District Court for the Western District of Oklahoma, which contemplated a declaratory action to determine the extent of insurance coverage applicable to the incident upon which the action in the United States District Court for the Western District of Oklahoma is based.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant herein, plaintiff in the action before the Western District, is entitled to no monies in excess of the \$200,00.00 awarded by the prior judgment of the Western District of Oklahoma, said Judgment having been fully satisfied and released, and the \$100,000.0 awarded pursuant to this Judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the total aggregate amount of money held in Trust by Peoples State Bank and Trust Company of Russelville, Arkansas, shall never exceed \$100,000.00 so that the total balance will be insured by the FDIC or FSLIC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Peoples State Bank and Trust Company of Russelville, Arkansas, are hereby authorized and ordered to pay from interest accumulation required state and federal income taxes properly due and payable on the earned interest on funds deposited in Peoples State Bank and Trust Company. Specifically, Peoples State Bank and Trust Company is ordered

and authorized upon proper proof of tax requirements to pay directly to the Internal Revenue Service and/or the appropriate state tax agency the following:

1. Quarterly estimates, if required;
2. A final annual payment to make the difference between the total quarterly estimates and the actual tabulated tax requirement.

If there is an overpayment through quarterly deposits, said overpayment shall be applied to payments for the next tax period. This order is to remain in effect from this date and until Nathan Ryan McClaine reaches his majority. This order is limited to payment of lawfully required income taxes.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Peoples State Bank and Trust Company of Russelville, Arkansas, are to be mailed by certified mail, a copy of this Order.


S/ JAMES O. ELLISON

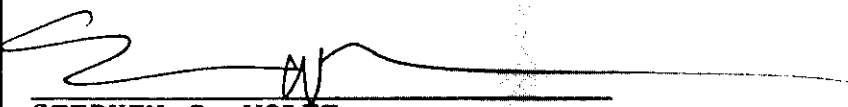
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JUDGE OF THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

APPROVED:

  
EVONNE ROSE McCLAINE, parent and  
mother of NATHAN RYAN McCLAINE

  
GEORGE McCLAINE, parent and  
father of NATHAN RYAN McCLAINE

  
STEPHEN C. WOLFE  
Attorney for Defendants

  
JAMES K. SECREST, II  
Attorney for Plaintiff

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CIVIL ACTION NO. 89-C-803-E

**DEFAULT JUDGMENT**

This matter comes on for consideration this 5<sup>th</sup> day of February, 1990, the Plaintiff appearing by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Catherine J. Depew, Assistant United States Attorney, and the Defendant, Paul A. Gomes, a/k/a Paul Gomes, appearing not.

The Court being fully advised and having examined the court file finds that Defendant, Paul A. Gomes, a/k/a Paul Gomes, acknowledged receipt of Summons and Complaint on October 17, 1989. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,



Paul A. Gomes, a/k/a Paul Gomes, for the principal amount of \$7,281.35, plus accrued interest of \$2,248.75 as of May 8, 1989, plus interest thereafter at the rate of 07.00 percent per annum until judgment, plus interest thereafter at the current legal rate of 7.74 percent per annum until paid, plus costs of this action.

S/ JAMES O. ELLISON

---

UNITED STATES DISTRICT JUDGE

mmp

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD ROBINSON a/k/a RONALD E.  
ROBINSON; BETTY ROBINSON a/k/a  
BETTY Y. ROBINSON; COUNTY  
TREASURER, Osage County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Osage County,  
Oklahoma,

Defendants.

FILED

CIVIL ACTION NO. 89-C-364-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5<sup>th</sup> day  
of February, 1990. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Nancy Nesbitt Blevins, Assistant United States  
Attorney; the Defendants, County Treasurer, Osage County,  
Oklahoma, and Board of County Commissioners, Osage County,  
Oklahoma, appear by John S. Boggs, Jr., Assistant District  
Attorney, Osage County, Oklahoma; and the Defendants, Ronald  
Robinson a/k/a Ronald E. Robinson and Betty Robinson a/k/a  
Betty Y. Robinson, appear not, but make default.

The Court being fully advised and having examined the  
file herein finds that the Defendant, Ronald Robinson a/k/a  
Ronald E. Robinson, was served with Summons and Complaint on  
September 26, 1989; that Defendant, County Treasurer, Osage  
County, Oklahoma, acknowledged receipt of Summons and Complaint  
on May 3, 1989; and that Defendant, Board of County  
Commissioners, Osage County, Oklahoma, acknowledged receipt of  
Summons and Complaint on May 2, 1989.

The Court further finds that the Defendant, Betty Robinson a/k/a Betty Y. Robinson, was served by publishing notice of this action in the Pawhuska Journal-Capital, a newspaper of general circulation in Osage County, Oklahoma, once a week for six (6) consecutive weeks beginning November 8, 1989, and continuing to December 13, 1989, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendant, Betty Robinson a/k/a Betty Y. Robinson, and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstracter filed herein with respect to the last known address of the Defendant, Betty Robinson a/k/a Betty Y. Robinson. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Secretary of Veterans Affairs, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and

identity of the party served by publication with respect to her present or last known place of residence and/or mailing address. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to the subject matter and the Defendant served by publication.

It appears that the Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, filed their Answer on May 5, 1989; and that the Defendants, Ronald Robinson a/k/a Ronald E. Robinson and Betty Robinson a/k/a Betty Y. Robinson, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Osage County, Oklahoma, within the Northern Judicial District of Oklahoma:

The East/2, NE/4, SE/4, NE/4 of Section 16, Township 20 North, Range 11 East of the Indian Meridian, Osage County, Oklahoma.

The Court further finds that on May 2, 1985, Ronald Robinson a/k/a Ronald E. Robinson and Betty Robinson executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$42,000.00, payable in monthly installments, with interest thereon at the rate of twelve and one-half percent (12.5%) per annum.

The Court further finds that as security for the payment of the above-described note, Ronald Robinson a/k/a Ronald E. Robinson and Betty Robinson executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated May 2, 1985, covering the above-described property. Said mortgage was recorded on May 6, 1985, in Book 0675, Page 640, in the records of Osage County, Oklahoma.

The Court further finds that the Defendants, Ronald Robinson a/k/a Ronald E. Robinson and Betty Robinson a/k/a Betty Y. Robinson, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Ronald Robinson a/k/a Ronald E. Robinson and Betty Robinson a/k/a Betty Y. Robinson, are indebted to the Plaintiff in the principal sum of \$41,564.11, plus interest at the rate of 12.5 percent per annum from April 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Osage County, Oklahoma, claim no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants,

Ronald Robinson a/k/a Ronald E. Robinson in personam and Betty Robinson a/k/a Betty Y. Robinson in rem, in the principal sum of \$41,564.11, plus interest at the rate of 12.5 percent per annum from April 1, 1988 until judgment, plus interest thereafter at the current legal rate of 7.74 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Osage County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

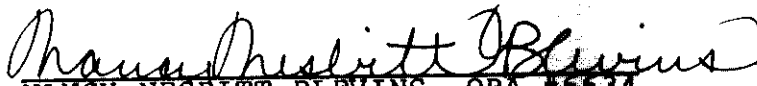
JAMES O. ELLISON


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UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
NANCY NESBITT BLEVINS, OBA #6634  
Assistant United States Attorney

  
JOHN S. BOGGS, JR., OBA #920  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Osage County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-364-E

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH D. YATES; LUCINDA L.  
YATES; COUNTY TREASURER, Tulsa  
County, Oklahoma; and BOARD OF  
COUNTY COMMISSIONERS, Tulsa  
County, Oklahoma,

Defendants.

CIVIL ACTION NO. 89-C-475-E

FILED

1990

Jack C.  
1990

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5th day  
of February, 1990. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendants, County Treasurer, Tulsa County,  
Oklahoma, and Board of County Commissioners, Tulsa County,  
Oklahoma, appear by J. Dennis Semler, Assistant District  
Attorney, Tulsa County, Oklahoma; and the Defendants, Kenneth D.  
Yates and Lucinda L. Yates, appear not, but make default.

The Court being fully advised and having examined the  
file herein finds that the Defendant, Kenneth D. Yates, was  
served with Summons and Complaint on September 26, 1989; that the  
Defendant, Lucinda L. Yates, was served with Summons and  
Complaint on October 30, 1989; that Defendant, County Treasurer,  
Tulsa County, Oklahoma, acknowledged receipt of Summons and  
Complaint on June 13, 1989; and that Defendant, Board of County  
Commissioners, Tulsa County, Oklahoma, acknowledged receipt of  
Summons and Complaint on June 14, 1989.



It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on June 29, 1989; and that the Defendants, Kenneth D. Yates and Lucinda L. Yates, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot 9, Block 4, Rockwood West Addition, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on May 22, 1987, the Defendants, Kenneth D. Yates and Lucinda L. Yates, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$46,000.00, payable in monthly installments, with interest thereon at the rate of nine percent (9%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Kenneth D. Yates and Lucinda L. Yates, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated May 22, 1987, covering the above-described property. Said mortgage was recorded on May 21, 1987, in Book 5024, Page 1921, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, Kenneth D. Yates and Lucinda L. Yates, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Kenneth D. Yates and Lucinda L. Yates, are indebted to the Plaintiff in the principal sum of \$45,872.45, plus interest at the rate of 9 percent per annum from December 1, 1987 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Kenneth D. Yates and Lucinda L. Yates, in the principal sum of \$45,872.45, plus interest at the rate of 9 percent per annum from December 1, 1987 until judgment, plus interest thereafter at the current legal rate of 7.74 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Kenneth D. Yates and Lucinda L. Yates, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

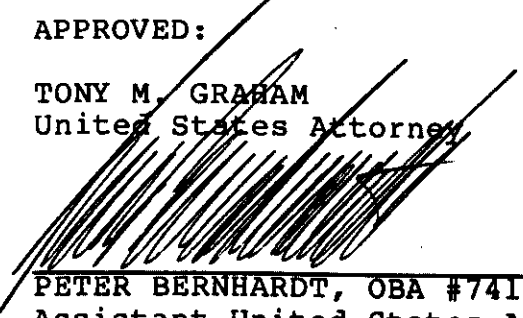
S/ JAMES O. ELLISON


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UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
PETER BERNHARDT, OBA #741  
Assistant United States Attorney

  
J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-475-E

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEWIS B. HARRISON a/k/a LEWIS  
BENJAMIN HARRISON; COUNTY  
TREASURER, Tulsa County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Tulsa County,  
Oklahoma,

Defendants.

CIVIL ACTION NO. 89-C-1011-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5<sup>th</sup> day  
of February, 1990. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendants, County Treasurer, Tulsa County,  
Oklahoma, and Board of County Commissioners, Tulsa County,  
Oklahoma, appear by J. Dennis Semler, Assistant District  
Attorney, Tulsa County, Oklahoma; and the Defendant, Lewis B.  
Harrison a/k/a Lewis Benjamin Harrison, appears not, but makes  
default.

The Court being fully advised and having examined the  
file herein finds that the Defendant, Lewis B. Harrison a/k/a  
Lewis Benjamin Harrison, acknowledged receipt of Summons and  
Complaint on December 20, 1989; that Defendant, County Treasurer,  
Tulsa County, Oklahoma, acknowledged receipt of Summons and  
Complaint on December 11, 1989; and that Defendant, Board of

County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on December 12, 1989.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on December 26, 1989; and that the Defendant, Lewis B. Harrison a/k/a Lewis Benjamin Harrison, has failed to answer and his default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Eleven (11) in Block One (1) in Valley View Acres Addition, to the city of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that this is a suit brought for the further purpose of judicially determining the death of Cherry L. Harrison, and of judicially terminating the joint tenancy of Lewis B. Harrison and Cherry L. Harrison.

The Court further finds that Lewis B. Harrison and Cherry L. Harrison became the record owners of the real property involved in this action, by virtue of that certain Warranty Deed dated February 28, 1973, from Donald E. Johnson, as Administrator of Veterans Affairs, to Lewis B. Harrison and Cherry L. Harrison, husband and wife, as joint tenants, and not as tenants in common, with full right of survivorship, the whole estate to vest in the

survivor in the event of the death of either, which Warranty Deed was filed of record on March 2, 1973, in Book 4057, Page 2067, in the records of the County Clerk of Tulsa County, Oklahoma.

The Court further finds that Cherry L. Harrison died on October 16, 1985. Upon the death of Cherry L. Harrison, the subject property vested in her surviving joint tenant, Lewis B. Harrison, by operation of law, as is evidenced by the Affidavit of Surviving Joint Tenant, dated October 29, 1985, and recorded on October 30, 1985, in Book 4902, Page 949 in the records of the County Clerk, Tulsa County, Oklahoma. Certificate of Death No. 38519049140 issued by the California Department of Health Services certified Cherry L. Harrison's death.

The Court further finds that on July 17, 1975, Lewis Benjamin Harrison filed his voluntary petition in bankruptcy in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 75-B-840. On October 3, 1975, Discharge of Debtor was entered and on December 30, 1975, subject bankruptcy case was closed.

The Court further finds that on March 1, 1973, Lewis B. Harrison and Cherry L. Harrison, now deceased, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$10,250.00, payable in monthly installments, with interest thereon at the rate of 7.5 percent per annum.

The Court further finds that as security for the payment of the above-described note, Lewis B. Harrison and Cherry L. Harrison, now deceased, executed and delivered to the

United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated March 1, 1973, covering the above-described property. Said mortgage was recorded on March 2, 1973, in Book 4057, Page 2127, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Lewis B. Harrison a/k/a Lewis Benjamin Harrison, made default under the terms of the aforesaid note and mortgage by reason of his failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Lewis B. Harrison a/k/a Lewis Benjamin Harrison, is indebted to the Plaintiff in the principal sum of \$7,636.76, plus interest at the rate of 7.5 percent per annum from August 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that Plaintiff is entitled to a judicial determination of the death of Cherry L. Harrison, and to a judicial termination of the joint tenancy of Lewis B. Harrison and Cherry L. Harrison, in the real property involved herein.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$197.00, plus penalties and interest, for the year 1989. Said lien is superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title, or interest in the subject real property.



IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the death of Cherry L. Harrison be and the same hereby is judicially determined to have occurred on October 16, 1985, in the City of Inglewood, Los Angeles, California.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the joint tenancy of Lewis B. Harrison and Cherry L. Harrison, in the above-described real property be and the same hereby is judicially terminated as of the date of the death of Cherry L. Harrison on October 16, 1985.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against the Defendant, Lewis B. Harrison a/k/a Lewis Benjamin Harrison, in the principal sum of \$7,636.76, plus interest at the rate of 7.5 percent per annum from August 1, 1988 until judgment, plus interest thereafter at the current legal rate of 7.74 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$197.00, plus penalties and interest, for ad valorem taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, has no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that to satisfy the judgment in rem of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$197.00, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

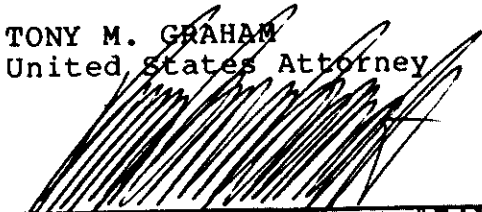
S/ JAMES O. ELLISON

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UNITED STATES DISTRICT JUDGE

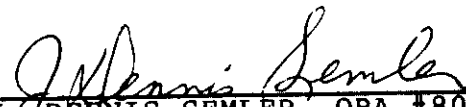
APPROVED:

TONY M. GRAHAM  
United States Attorney



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PETER BERNHARDT, OBA #741  
Assistant United States Attorney



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J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-1011-E

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 5 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ERHAN OZEY,

Plaintiff,

v.

BANKERS TRUST COMPANY, a  
corporation, STEVEN M. HARRIS,  
an individual and MARK A.  
EDMISTON, an individual,

Defendants.

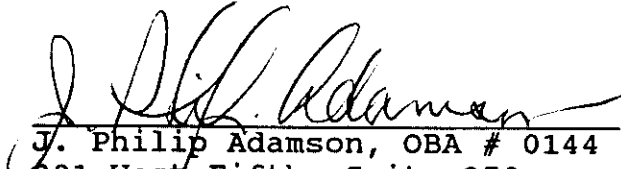
Case No. 89-C-449-E

NOTICE OF DISMISSAL

COMES NOW Erhan Ozey, Plaintiff, pursuant to Rule 41, Federal Rules of Civil Procedure and Dismisses his Complaint against the Defendants herein.

Respectfully submitted,

ADAMSON & ZIRKLE

  
J. Philip Adamson, OBA # 0144  
201 West Fifth, Suite 350  
Tulsa, Oklahoma 74103  
(918) 587-1606

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on this 5<sup>th</sup> day of February, 1990, a true and correct copy of the above and foregoing document was deposited in the U.S. Mail, with postage fully prepaid thereon, to the following:

Steve Harris  
Doyle & Harris  
2431 East 61st Street, Suite 260  
Tulsa, Oklahoma 74136

  
J. Philip Adamson

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

1996

SUPERIOR INSTALLATION CO., INC.)

Plaintiff,

vs.

No. 88-C-1612-E

TMSI CONTRACTORS, INC., et al.,)

Defendant.

ORDER

THIS MATTER comes on before me, the undersigned Judge, pursuant to the Joint Motion for Dismissal by all parties. For good cause shown, the Court finds that the motion should be granted.

IT IS THEREFORE ORDERED that the above captioned case is dismissed with prejudice each to the other.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT COURT JUDGE

020290a:kl

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 2 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

DYCO PETROLEUM CORPORATION,

Plaintiff,

v.

HELMERICH & PAYNE, INC.,

Defendant.

Case No. 88-C-1225-B

ORDER DISMISSING CLAIMS WITH PREJUDICE

Dyco Petroleum Corporation's Application for Leave to Dismiss Claims with Prejudice having come on for hearing, and good cause having been shown for the granting of same,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the claims of Dyco Petroleum Corporation as alleged herein against Helmerich & Payne, Inc. are dismissed with prejudice towards the refiling of same.

DONE this 7<sup>th</sup> day of Feb., 1990.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

Submitted by:

Dale Joseph Gilsinger  
Pray, Walker, Jackman,  
Williamson & Marlar  
900 Oneok Plaza  
Tulsa, Oklahoma 74103  
(918) 584-4136

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB -2 1990

RONNY J. HOLT, )  
Plaintiff, )  
vs. )  
TERRY LAFLIN, an individual, )  
THE CITY OF OWASSO, a )  
political subdivision, DAVID )  
MOSS, District Attorney for Tulsa )  
County, State of Oklahoma, )  
STANLEY GLANZ, Sheriff of Tulsa )  
County, State of Oklahoma, )  
Defendants. )

Case No. 89-C-731 E

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

DISMISSAL WITHOUT PREJUDICE

COMES now the Plaintiff, RONNIE J. HOLT, and hereby dismisses  
Defendant, STANLEY GLANZ, Sheriff of Tulsa County, State of Oklahoma, without  
prejudice.

DATED this 2nd day of February, 1990.

  
KENNETH L. HIRD, OBA#004230  
427 S. Boston, Suite 1802  
Tulsa, Oklahoma 74103  
(918) 582-7888

CERTIFICATE OF MAILING

I, KENNETH L. HIRD do hereby certify that on the 2nd day of  
February, 1990, I mailed a true and correct copy of the above and foregoing Dismissal  
to: JOHN H. LIEBER, 2727 E. 21st St., Suite 200, Tulsa, Oklahoma 74114 and  
RONALD D. CATES, 12620 E. 86th St. N., Owasso, Oklahoma 74055.

  
KENNETH L. HIRD



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 2 1991

SPI GLASS CORPORATION,  
Plaintiff,

vs.

JOHN PAUL McDOWELL,  
Defendant.

Case No. 89-C-644-C

Jack C. Smith, Jr.  
U.S. DISTRICT COURT

ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

NOW THIS 2<sup>nd</sup> day of February, 1990, the Court finds  
that:

- (1) Plaintiff has filed herein pursuant to F.R.C.P. 41(a)(2),  
its Motion for Voluntary Dismissal Without Prejudice,
- (2) no counterclaim has been filed herein by the Defendant,
- (3) the trial date is August 20, 1990,
- (4) Defense counsel has stated unto Plaintiff's counsel that  
the Defendant has no objection to the Court entering a Voluntary  
Order of Dismissal Without Prejudice,
- (5) Defense counsel has stated unto Plaintiff's counsel that  
the Voluntary Order of Dismissal Without Prejudice may be entered  
without the imposition of any terms or conditions,
- (6) Defendant will not suffer substantial prejudice by the  
dismissal of this action, and
- (7) Plaintiff's Motion for Voluntary Dismissal Without  
Prejudice should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-entitled and numbered action ~~be~~ and the same is hereby dismissed without prejudice.

S/H. DALE COOK

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JUDGE OF THE DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

1990

MARY CASTRO and VICTOR CASTRO,  
Plaintiffs,

v.

WAL-MART STORES, INC.,  
Defendant.

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

Case No. 89-C-1039E

ORDER ALLOWING PLAINTIFF VICTOR CASTRO  
TO DISMISS HIS CAUSE OF ACTION

NOW on this 1 day of <sup>Feb</sup> January, 1990, upon the application of Plaintiff, Victor Castro, by and through his attorney of record, Marvin E. Spears, to dismiss his cause of action, without prejudice, against Defendant Wal-Mart Stores, Inc., for good cause having been shown,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Court that Victor Castro be allowed and is hereby allowed to dismiss, without prejudice, his cause of action against Wal-Mart Stores, Inc.

S/ JAMES O. ELLISON

JUDGE OF THE U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

\WK\CASTRO.ORD(01/19/90)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

1990

WESTERN ENERGY, INC., a  
Colorado corporation,

Plaintiff,

v.

T. L. HAMMOND, individually  
and d/b/a T. L. HAMMOND  
COMPANY,

Defendants.

Case No. 89-C-154-E

ORDER OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41 F.R.Civ.P. and the above and foregoing  
stipulation

IT IS ORDERED that this action be, and hereby is, dismissed  
without prejudice.

DATED this 1<sup>st</sup> day of February 1990.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BIZJET INTERNATIONAL SALES &  
SUPPORT, INC., an Oklahoma  
corporation,

Plaintiff,

vs.

Case No. 89-C-885-C

MULTISTATE SERVICES, INC., an  
Oregon corporation; KEITH SMITH,  
a/k/a H. KEITH SMITH; REYNA  
FINANCIAL CORPORATION, an Ohio  
corporation; JET AVIATION  
ASSOCIATES, LTD.; THE FARMERS &  
MERCHANTS NATIONAL BANK, a  
national banking corporation;  
and SOUTHCOST BANK CORP., a  
Florida corporation,

Defendants.

FILED

FEB 2 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER AND JUDGMENT

This action came on for consideration before the Court, the Honorable H. Dale Cook, Chief District Judge, presiding. It appearing to the Court that defendant Multistate Services, Inc., has been duly served with Summons and Complaint in this action and that defendant is in default by virtue of its failure to answer or appear in this action within the required time. It further appearing to the Court that on January 19, 1990, the Clerk, pursuant to Fed.R.Civ.P. 55(b)(1), entered a default against defendant Multistate and in favor of plaintiff, which entry of default has not been opposed.

IT IS THEREFORE ORDERED that the plaintiff, Bizjet International Sales & Support, Inc., is granted judgment against

defendant Multistate Services, Inc., in the amount of \$42,551.24, plus per diem interest of \$13.57 accruing from January 13, 1990, until paid, and fees and costs to be determined upon application to the Court pursuant to Rule 6 of the Rules for the Northern District of Oklahoma.

ORDERED this 1<sup>st</sup> day of Feb, 1990.

s/H. DALE COOK

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H. DALE COOK  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

1990

at

HINTON L. FISHER,  
Plaintiff,

vs.

CITY OF TULSA, OKLAHOMA,  
et al.,

Defendants.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT


No. 85-C-245-E✓

ORDER

NOW on this 1<sup>st</sup> day of February, 1990 comes on for hearing the above styled case and the Court, being fully advised in the premises finds that the Mandate of the United States Court of Appeals for the Tenth Circuit having been received directing that the above styled action be dismissed,

IT IS THEREFORE ORDERED that Judgment is hereby entered in favor of Defendants and the action is accordingly dismissed with prejudice.

ORDERED this 1<sup>st</sup> day of February, 1990.

  
JAMES C. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FEB 1 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

GATX LEASING CORPORATION, A  
Delaware Corporation,

Plaintiff,

vs.

GOLF CARTS OF OKLAHOMA, INC., an  
Oklahoma Corporation, DON ADAMS,  
and SHIRLEY ADAMS,

Defendants.

No. 89-C-689-B ✓

AMENDED DEFAULT JUDGMENT

This matter comes before the Court upon Plaintiff GATX Leasing Corporation's Motion for Default Judgment. The Court conducted an inquiry into the sufficiency of Plaintiff's search to determine the names and whereabouts of Defendant Don Adams and Defendant Shirley Adams, who were served herein by publication, and based on the evidence adduced, the Court finds that Plaintiff has exercised due diligence and has conducted a meaningful search of all reasonably available sources at hand. The Court approves the publication services given herein as meeting both statutory requirements and the minimum standards of State and Federal due process.

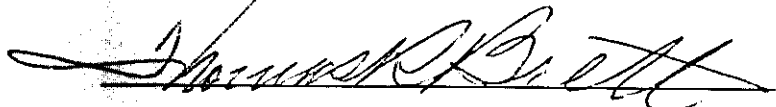
Further, it appears that each and every Defendant herein is in default and that the Clerk of the United States District Court has previously searched the records and entered the Default of the Defendants. It appears from Plaintiff's Affidavit for Entry of Default that the Defendants are indebted to the Plaintiff in the



amount of \$222,592.46, and that neither Defendant Don Adams nor Defendant Shirley Adams is in the military service of the United States, an infant or incompetent person.

In accord with the Entry of Default, the Court hereby enters judgment in favor of the Plaintiff, GATX Leasing Corporation, and against the Defendants, Golf Carts of Oklahoma, Inc., Don Adams, and Shirley Adams, individually, for the amount of \$222,592.46, plus prejudgment and post-judgment interest at the rate of 18 per cent per annum from April 15, 1989, until paid. Costs and attorney fees may be awarded upon proper application pursuant to local Rule 6. It is FURTHER ORDERED, ADJUDGED AND DECREED that the equipment lease herein is terminated and the property subject thereto shall be immediately delivered to the Plaintiff GATX Leasing Corporation.

DATED this 1<sup>st</sup> day of Feb ~~January~~, 1990.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAD F. STITES; CHADCO, INC.;  
PIONEER SAVINGS AND TRUST  
COMPANY; ROY L. THIGPEN  
PROPERTIES, INC.; PROPERTY  
VENTURES OF LOUISIANA, INC.;  
UNITED FIRST MORTGAGE  
CORPORATION; COUNTY TREASURER,  
Tulsa County, Oklahoma; and  
BOARD OF COUNTY COMMISSIONERS,  
Tulsa County, Oklahoma,

Defendants.

FILED

FEB 1 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 89-C-613-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 1st day  
of Feb-, 1990. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Nancy Nesbitt Blevins, Assistant United States  
Attorney; the Defendants, County Treasurer, Tulsa County,  
Oklahoma, and Board of County Commissioners, Tulsa County,  
Oklahoma, appear by J. Dennis Semler, Assistant District  
Attorney, Tulsa County, Oklahoma; the Defendant, Pioneer Savings  
and Trust Company, appears not, having previously filed its  
Disclaimer of Interest through the Bank Commissioner of the  
Oklahoma State Banking Department as Receiver; the Defendant,  
Property Ventures of Louisiana, Inc., appears not, having  
previously filed its Disclaimer; and the Defendants, Chad F.  
Stites, Chadco, Inc., Roy L. Thigpen Properties, Inc., and United  
First Mortgage Corporation, appear not, but make default.

The Court being fully advised and having examined the file herein finds that Defendant, Chad F. Stites, acknowledged receipt of Summons and Complaint on or about July 31, 1989; that Defendant, Chadco, Inc., acknowledged receipt of Summons and Complaint on July 27, 1989; that Defendant, Pioneer Savings and Trust Company, acknowledged receipt of Summons and Complaint on or about October 19, 1989; that Defendant, Property Ventures of Louisiana, Inc., acknowledged receipt of Summons and Complaint on July 28, 1989; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on July 28, 1989; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on July 28, 1989.

The Court further finds that the Defendants, Roy L. Thigpen Properties, Inc. and United First Mortgage Corporation, were served by publishing notice of this action in the Tulsa Daily Business Journal & Legal Record, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning November 17, 1989, and continuing to December 22, 1989, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(C)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendants, Roy L. Thigpen Properties, Inc. and United First Mortgage Corporation, and service cannot be made upon said Defendants within the Northern Judicial District of Oklahoma or the State of

Oklahoma by any other method, or upon said Defendants without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstractor filed herein with respect to the last known addresses of the Defendants, Roy L. Thigpen Properties, Inc. and United First Mortgage Corporation. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff, United States of America, acting on behalf of the Secretary of Veterans Affairs, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Nancy Nesbitt Blevins, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the parties served by publication with respect to their present or last known places of residence and/or mailing addresses. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to the subject matter and the Defendants served by publication.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on August 15, 1989; that Defendant, Pioneer Savings and Trust Company, filed its Answer and Counterclaim and Cross-Complaint on October 24, 1989, through the Bank Commissioner of the Oklahoma State Banking Department as

Receiver and its Notice of Dismissal of Counterclaim and Cross-Complaint and its Disclaimer of Interest on November 22, 1989, also through the Bank Commissioner of the Oklahoma State Banking Department as Receiver; that Defendant, Property Ventures of Louisiana, Inc., filed its Disclaimer on October 10, 1989; and that the Defendants, Chad F. Stites, Chadco, Inc., Roy L. Thigpen Properties, Inc., and United First Mortgage Corporation, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Three (3), Block Two (2), LAKEVIEW HEIGHTS  
SECOND ADDITION to the City of Tulsa, Tulsa  
County, State of Oklahoma, according to the  
recorded plat thereof.

The Court further finds that on February 16, 1978, the Defendant, Chad F. Stites, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, his mortgage note in the amount of \$10,000.00, payable in monthly installments, with interest thereon at the rate of eight and one-half (8.5%) percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, Chad F. Stites, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now

known as Secretary of Veterans Affairs, a mortgage dated February 16, 1978, covering the above-described property. Said mortgage was recorded on February 27, 1978, in Book 4312, Page 1165, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Chad F. Stites, made default under the terms of the aforesaid note and mortgage by reason of his failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Chad F. Stites, is indebted to the Plaintiff in the principal sum of \$8,748.57, plus interest at the rate of 8.5 percent per annum from April 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendants, Chadco, Inc., Roy L. Thigpen Properties, Inc., and United First Mortgage Corporation, have no right, title, or interest in the subject real property by virtue of their default herein.

The Court further finds that the Defendants, Pioneer Savings and Trust Company and Property Ventures of Louisiana, Inc., disclaim any right, title, or interest in the subject real property.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Chad F. Stites, in the principal sum of \$8,748.57, plus interest at the rate of 8.5 percent per annum from April 1, 1988 until

judgment, plus interest thereafter at the current legal rate of \_\_\_\_\_ percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Chadco, Inc., Pioneer Savings and Trust Company, Roy L. Thigpen Properties, Inc., Property Ventures of Louisiana, Inc., United First Mortgage Corporation, and County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, Chad F. Stites, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.

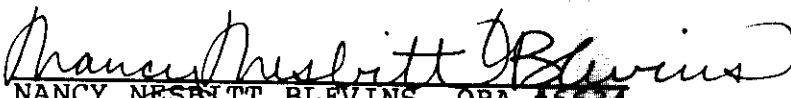
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

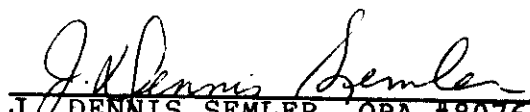
S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
NANCY NESBITT BLEVINS, OBA #6634  
Assistant United States Attorney

  
J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-613-B



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM D. BARRY a/k/a WILLIAM  
DON BARRY; ROBERTA CLARINE BARRY  
a/k/a ROBERTA CLARINE MESSER;  
COUNTY TREASURER, Tulsa County,  
Oklahoma; and BOARD OF COUNTY  
COMMISSIONERS, Tulsa County,  
Oklahoma,

Defendants.

FEB 1 1990

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

CIVIL ACTION NO. 89-C-622-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 1st day  
of Feb., 1990. The Plaintiff appears by Tony M.  
Graham, United States Attorney for the Northern District of  
Oklahoma, through Phil Pinnell, Assistant United States Attorney;  
the Defendants, County Treasurer, Tulsa County, Oklahoma, and  
Board of County Commissioners, Tulsa County, Oklahoma, appear by  
J. Dennis Semler, Assistant District Attorney, Tulsa County,  
Oklahoma; and the Defendants, William D. Barry a/k/a William Don  
Barry and Roberta Clarine Barry a/k/a Roberta Clarine Messer,  
appear not, but make default.

The Court being fully advised and having examined the  
file herein finds that the Defendant, William D. Barry a/k/a  
William Don Barry, acknowledged receipt of Summons and Complaint  
on December 4, 1989; that the Defendant, Roberta Clarine Barry  
a/k/a Roberta Clarine Messer, acknowledged receipt of Summons and

Complaint on August 5, 1989; that Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on August 1, 1989; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on August 1, 1989.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on August 17, 1989; and that the Defendants, William D. Barry a/k/a William Don Barry and Roberta Clarine Barry a/k/a Roberta Clarine Messer, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a certain mortgage note and for foreclosure of a mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Beginning 1005.14 feet West and 769.21 feet North of the Southeast corner of Section Thirty-six (36), Township Twenty-one (21) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, thence North 167.13 feet; thence East 75 feet; thence South 167.13 feet; thence West 75 feet to the point of beginning, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

The Court further finds that on September 12, 1985, William D. Barry executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, his mortgage note in the amount of \$21,500.00, payable in monthly installments, with interest thereon at the rate of eleven and one-half percent (11.5%) per annum.

The Court further finds that as security for the payment of the above-described note, William D. Barry executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated September 12, 1985, covering the above-described property. Said mortgage was recorded on September 12, 1985, in Book 4891, Page 1456, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, William D. Barry a/k/a William Don Barry, made default under the terms of the aforesaid note and mortgage by reason of his failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, William D. Barry a/k/a William Don Barry, is indebted to the Plaintiff in the principal sum of \$21,225.50, plus interest at the rate of 11.5 percent per annum from August 1, 1988 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, Roberta Clarine Barry a/k/a Roberta Clarine Messer, is in default and has no right, title, or interest in the subject property.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title, or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant,

William D. Barry a/k/a William Don Barry, in the principal sum of \$21,225.50, plus interest at the rate of 11.5 percent per annum from August 1, 1988 until judgment, plus interest thereafter at the current legal rate of 7.74 percent per annum until paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Roberta Clarine Barry a/k/a Roberta Clarine Messer and County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, William D. Barry a/k/a William Don Barry, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.


The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further Order of the Court.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

S/ THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM  
United States Attorney

  
PHIL PINNELL, OBA #7169  
Assistant United States Attorney

  
J. DENNIS SEMLER, OBA #8076  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

Judgment of Foreclosure  
Civil Action No. 89-C-622-B

F I L E D

**FEB 1 1990**

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

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Case No. 89-C-1037 B

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**ATTORNEYS FOR PLAINTIFF,  
METROPLITAN LIFE INSURANCE  
COMPANY**

CERTIFICATE OF SERVICE

I hereby hereby that on the <sup>1st</sup> ~~26th~~ <sup>February</sup> day of ~~January~~, 1990, a true, exact and correct copy of the above and foregoing instrument was mailed, postage prepaid, to the following:

David K. Hoel  
1518 South Cheyenne  
Tulsa, Oklahoma 74119

John R. Hogue

IN THE UNITED STATES COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

1990

MAURICE VAN DUSEN AND MARY  
VAN DUSEN,

Plaintiff,

vs.

WELLS FARGO CREDIT CORPORATION,

Defendant.

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

Case No. 89-C-530 E

ORDER

NOW on this 1st day of Feb, 1990, upon consideration of the  
Joint Application for Order of Dismissal filed herein, it is the Order of  
this Court that this action be dismissed with each of the parties hereto  
bearing their own costs, fees and expenses.

S/ JAMES O. ELLISON

JUDGE

APPROVED AS TO FORM  
AND CONTENT:

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Wells Fargo Credit Corporation

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